

**PROSECUTING COMPLEX DRUG CASES**

**THE CHALLENGE FOR LOCAL PROSECUTORS**

**JEFFERSON INSTITUTE FOR JUSTICE STUDIES**

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To have significant results, investigations must do more than reach individuals and individual enterprises. Investigations must be based on an informed understanding of the particular organized crime problem, and must take into account the long range implications of both the particular strategy adopted and the specific operational tactics best designed to carry out the strategy.

*Ronald Goldstock, NY Organized Crime Task Force*

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## PROSECUTING COMPLEX DRUG CASES: THE CHALLENGE FOR LOCAL PROSECUTORS

### PREFACE AND ACKNOWLEDGMENTS

The substance of this report is the result of the combined efforts and expertise of consultants, Jefferson Institute staff and over 100 prosecuting attorneys and assistant Attorneys General who participated in telephone and mail surveys. With little contemporary literature available about the subject of complex drug prosecutions, this assessment was particularly difficult because the issues surrounding the prosecution of complex drug cases, first, had to be identified; then, validated through interviews with practitioners. The synthesis of the information gathered into relevant and practical discussions for prosecutors was the last step in the process, and is reflected in this final report.

This assessment would not have been possible without the expertise and insights provided by our advisors who brought a wide range of practical experience to this subject. We gratefully acknowledge and commend their contribution to this assessment. We hope that the results reported here will prove useful to them and other prosecutors as they continue to improve the quality of justice in their communities. Representing the various levels of government are:

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Finally, to the countless attorneys and investigators who took the time and effort to respond to our interviews and help us in our search for knowledge, we are immensely grateful. Thank you for your contribution to this report.

## **Chapter 1. INTRODUCTION TO PROSECUTING COMPLEX DRUG CASES**

### **BACKGROUND**

Illegal drug trafficking, manufacturing and money laundering costs the American public enormous sums in investigations, prosecutions and punishment. The combined costs of drug-related law enforcement, prevention and treatment programs, increased health care costs, and the loss of productivity and lives were estimated at \$100 billion in 1986 (U.S. Attorneys and the Attorney General, 1989). At the same time, while these costs were being incurred, drug suppliers, distributors and dealers reaped huge profits. Estimates suggest that these operations gross as much as \$150 billion (Teasley, 1989). Much of this passes into the economy because drug traffickers require substantial infrastructure and support to sustain their operations, such as airplanes, ships, automobiles for transportation; warehouses, stash houses and personal residences for storage and distribution. Since drug dealers also convert much of the profit into consumer goods, holdings and enterprises, drug money can influence the national economy.

Over the last decade Congress enacted several pieces of new legislation to enable law enforcement and prosecution to strike a direct blow against the lucrative illegal drug trade, to recoup some of the moneys the public spends on law enforcement, and to interdict the line of supply. The Racketeer Influenced Corrupt Organizations (RICO) Act, the drug "kingpin" Continuing Criminal Enterprise (CCE) statute and the laws governing money laundering, firearms, and public corruption, among others, are employed to prosecute complex drug cases. Both criminal and civil forfeitures are used to remove ill-gotten gains. The Bank Secrecy Act includes provisions that require the reporting of financial transactions including dollar amounts over \$10,000 to allow investigative agencies to trace the money flow. The IRS files tax code violations against drug traffickers.

At present, prosecutorial efforts to deal with complex drug cases in the U.S. take place predominantly at the Federal level and in a few especially advanced state and local jurisdictions. This pattern is not only a reflection of different goals, but also of the tremendous diversity that exists among jurisdictions restricted by legislation, case law, judicial interpretation, court practices, police and prosecutorial policy, and ultimately, sufficient numbers of trained resources. In state and local jurisdictions, programs that target complex drug cases do not generally have the same level of intensity. There are a number of reasons why this is so. Some relate to the environment within which these programs must operate, others to the inherent complexity of these programs. Many of these special efforts require unfamiliar activities and



procedures such as the use of civil procedures and their different standards of proof and evidence; financial investigations to trace hidden assets; complex investigations to support seizures and forfeitures, such as net worth analysis and link analysis; and, the means and techniques for managing and disposing assets (Jacoby et al. 1992).

Technologically, Federal support has been given to: expert systems and intelligence systems to help law enforcement identify suspects (Jacoby et al. 1988, 1989; Woodard 1986); new automated crime lab and identification systems (Slahor 1990, Coldren et al. 1988; Zonderman 1990), including fingerprints, DNA tests, and image processing (U.S. Congress Office of Technology Assessment 1990; Hildreth 1990); and the establishment of FINCEN by the Treasury Department to provide a resource for the detection of money laundering services.

Some states, like Arizona, Florida and New York have developed the capacity to investigate and prosecute complex drug cases. Multi-jurisdictional task-forces were created to combine law enforcement and prosecutors across jurisdictional levels, and direct the resources needed for these cases. Elsewhere, special units were created. The Arizona Attorney General's office, for example, became a leader in developing a sophisticated strategy to detect money laundering activities (Preston 1990).

#### REVIEW OF THE LITERATURE

Because drug problems and the legal and criminal justice environments differ, jurisdictions interested in prosecuting complex drug cases are confronted with a variety of choices about the bits and pieces of the activities needed, and few guidelines to help them establish programs applicable to their special problems. A review of the current literature on this subject does not provide much assistance either. Most of the studies that focus on improving the criminal justice system's ability to process drug offenses and to affect the drug problem concentrate on controlling drug use and prosecuting street crimes (Hayeslip 1989; Jacoby et al., 1993; Uchida ; BJA, NIJ 1990; NIJ 1990; NIJ 1991, Chaiken et al. 1988).

**Most studies focus on the investigative activities that enhance cases or reduce court delay rather than prosecution.**

New approaches for improving the criminal justice system's response to drug crimes more often emphasizes law enforcement perspectives than prosecution. Even when prosecution is the main focus, studies tend to concentrate on the investigative activities that lead to or enhance prosecutions. This includes: improving police/prosecutor coordination in investigations

(Buchanan 1989; Garofalo et al., 1987; Jacoby 1981); the benefits of multi-jurisdictional task forces (Coldren et al 1990; Chaiken et al 1990); and, the use of asset forfeiture strategies, cross-designation and federal adoptions as ways to expand the resources available to prosecutors. (Jacoby et al 1992). Some studies emphasize improving the efficiency of case processing as has been documented with Differentiated Case Management (DCM) programs and Expedited Drug Case Management (EDCM) programs (Cooper et al. 1992; Jacoby et al. 1992).

Despite the broad range of new legal tools, technology and programs, few have focused on the goals of prosecution (except insofar as they are shared by other agencies), and little attention has been given to the prosecutor's ability to marshal the adjudication process to meet these goals. To date, it appears that prosecutors have responded more as processors of cases than planners and strategists capable of using their discretionary power and leadership to set the tone and quality of adjudications in a community (Goldstock 1991).

**Few studies address the issues of complex drug prosecutions.**

Except as they focus on investigative functions, little attention has been paid to complex drug cases. The Bureau of Justice Assistance (BJA) funded asset forfeiture and money laundering training and technical assistance for state and local agencies through grants to several agencies including Police Executive Research Forum (PERF), the National District Attorneys Association (NDAA), and the National Association of Attorneys General (NAAG). Similar training efforts have been undertaken by some state agencies, such as the Arizona Attorney General's office, the Florida Department of Law Enforcement, the Pennsylvania Crime Commission and the New York State Department of Criminal Justice. Publications were developed for each of these programs to assist the prosecutor with investigative techniques such as wire-taps or financial investigations; or to provide insight in the possible uses of grand juries or civil remedies to improve their cases. However, little attention was given to the impact of these efforts on the prosecutor's resources, or the demands they place on organization, management and policy requirements (Jacoby et al. 1993).

A useful introduction to the use of special investigative and prosecutorial techniques and issues arising from the multiplicity of legal problems involved with the prosecution of special offenses such as money laundering, asset forfeiture, RICO or conspiracy cases may be found in other studies (Karchmer 1987; Jacoby et al. 1992a; Smith 1987; 1989). Goldstock's (In: Edelhertz 1987) discussion of the development and construction of criminal cases involving organized crime and the drug trade is exceptional because it calls for developing a strategy for these cases. Similarly Giuliani's discussion published in the same document focuses on legal remedies that support a

strategic objective of affecting illegal enterprises. These examples go beyond offering the usual "how-to" advice. They take prosecutorial goals into consideration, and examine some of the special needs and procedures that arise if prosecutors assume a proactive, strategic approach to complex drug cases.

The major difficulty is that the literature does not examine the subject of complex drug case prosecutions and the resources they require in a comprehensive manner, i.e. from investigation to prosecution. Perhaps one of the most comprehensive examinations in the area of organized crime was presented by Blakely, Goldstock and Rogovin (1978) but nothing similar exists for drug cases *per se*. No effort has been made to distill and combine all the activities and program parts that comprise these prosecutions to show their differences from routine drug cases or to identify the significant factors that make them complex.

The implications are clear. Without a comprehensive plan for the prosecution of complex drug cases, costly duplications of effort or costly mistakes will occur. What is needed to overcome this difficulty is a synthesis of information about existing operations, and an assessment of their value and transferability. The National Institute of Justice (NIJ) has recognized this deficiency by calling for the identification, assessment, and description of existing drug prosecution practices that target complex cases. This reports presents the results of this assessment.

#### GOALS AND OBJECTIVES

The goals of this assessment are:

1. To increase understanding about the nature of investigative and prosecutorial activities associated with complex drug cases.
2. To identify the issues and factors affecting complex drug prosecutions, and recommend various strategies for success.

This will be accomplished by:

1. Identifying the nature of complex drug case prosecutions at the state and local level.
2. Identifying approaches and strategies for investigating and prosecuting complex drug cases.
3. Synthesizing the information regarding the strategies that have recently emerged as part of Federal, State, and local prosecutorial programs to provide a comprehensive discussion of prosecutorial issues and needs.

## SCOPE AND AUDIENCE

The scope of this assessment includes all state Attorneys' General offices, all metropolitan jurisdictions with populations over 500,000, and at least two of the largest prosecutor's offices in each state that did not have a population center over 500,000.

The focus on large jurisdictions is based on the assumption that these areas are more profoundly affected by drugs, and prosecutors are more likely to have resources to support complex prosecutions. Data compiled by the Bureau of Justice Statistics (BJS) in 1989 indicate that 56 percent of all arrests for drug trafficking in the U.S. are made in the 75 most populous counties (each with more than 587,000 residents in 1986, BJS 1991). The survey was designed to obtain an overview of the strategies, policies and programs being used in these jurisdictions that would supplement that issues and problems identified by the consultant experts.

This report is written for investigators, prosecutors, court officials, and legislators. Investigators commit time and resources to cases; prosecutors make decisions about whether to prosecute and with what commitment of resources; courts consider the impact of lengthy trials; and, the legislature sponsors legislation or provides special funds.

## METHODOLOGY

Four sets of activities were used for this study. They include:

1. An assessment of the state of current practices or strategies to identify the scope of activity at the state and local level
2. The analysis of relevant evaluation literature to identify findings and recommendations appropriate for complex drug cases.
3. Identification of the issues and factors affecting prosecutors, and their implications for future programs and research.
4. Synthesis and documentation of the findings. .

## SURVEY OF PROSECUTORS

Prior to the survey, a workshop was held for practitioners and experts to discuss the issues surrounding complex drug cases. The results of this workshop were used to design the survey

instrument. A telephone survey of the sampled jurisdictions was conducted. This was followed by mail to elicit further information from jurisdictions handling these prosecutions.

The assessment and identification of issues and factors are based on a telephone survey of all state Attorneys General and local prosecutors described in the scope above. Thirty of the Attorneys General offices supplied information about complex drug investigations and prosecutions. One hundred and two local prosecutors responded to the survey. Of these 20 reported that they did not handle complex drug prosecutions.

#### ANALYSIS OF RESULTS

The survey results were analyzed to determine: (1) the scope and nature of complex drug prosecutions; (2) the characteristics of offices; and (3) special practices and strategies. Findings from other evaluations, research and operations were integrated with the survey results. A draft of the preliminary findings was prepared and submitted to the consultants for their review. This was followed by a workshop to discuss the findings, provide interpretation to some of the survey data, develop recommendations for the final report, and establish priorities for future work or support in this area.

#### PRODUCTS

In addition to the final report, a *Directory of Prosecutor Offices involved in complex drug prosecutions* was prepared. This directory contains brief descriptions about offices handling complex drug cases, and the names of experts identified by state and area of specialty. The purpose of this Directory is to improve and expand the networking capability of prosecutors, and provide for a better means of communication among them. An *Automated Version* is available on diskette.

#### STRUCTURE AND ORGANIZATION OF THE REPORT

The report is organized so that the Findings and Recommendations including a plan for future directions are presented first, in **Chapter 2**.

**Chapter 3** examines The Nature of Complex Drug Cases establishing a definition for these cases.

**Chapter 4** describes the Differences Associated with Complex Drug Prosecutions and contrasts them with routine drug investigations and prosecutions.

**Chapter 5** examines these differences as they spotlight Issues for Prosecution.

**Chapter 6** looks at Information Systems Technology to Support Complex Investigations. This chapter presents in detail a discussion of the need for supporting technology. The author of this chapter is Edward Ratledge who conducts a course on this subject for the United Nations Far East Institute (UNAFEI) in Tokyo. The scarcity of literature about computer applications for organized crime cases and the vital need for further developmental work in this area make this chapter an important contribution to this report.

An extensive Bibliography has been compiled to assist the reader in finding particular areas of interest or subject matter specialty. It can be found in **Appendix A**.

**Appendix B** presents a Directory of Prosecutor's Offices arranged by state. Individuals who have agreed to be listed in the directory, and their areas of specialization are noted. This information is also available on diskette.

**Appendix C** contains copies of the Survey Instruments, both telephone and mail.

## Chapter 2. FINDINGS AND RECOMMENDATIONS

### INTRODUCTION

In this chapter, we present the major findings of the assessment of the prosecutor's involvement with complex drug cases including the relationship between the local prosecutor and other prosecutorial systems; the responsibility of the local prosecutor and the Attorney General; the nature of complex drug cases as a subset of organized crime; and the need for technologically advanced information systems. Other findings and recommendations associated with these areas are also presented.

#### FINDING 1: THE DISTINCTION BETWEEN FEDERAL, STATE, AND LOCAL RESPONSIBILITIES FOR THE PROSECUTION OF COMPLEX DRUG CASES IS BLURRED.

Complex drug cases pose vastly different, and more substantial case processing requirements than those needed for routine prosecutions. In the eyes of many state and local prosecutors, the most expedient method for prosecuting complex drug cases is by U.S. Attorneys in U.S. District Courts. The number of cases prosecuted by the U.S. Attorneys rose from 31,218 to 60,999 in 1989 (BJS 1992; BJS 1990). This large increase is due to a number of factors that make Federal prosecutions attractive. The U.S. Attorneys have received enormous increases in attorney personnel and staff (increasing from 15,791 in 1985 to 24,947 in 1990; BJS 1992 and 1988). Federal law enforcement agencies are often, better equipped and trained to support complex investigations. Federal legislation often is less restrictive or provides for higher sentences. Referring asset forfeiture cases to the Federal government may also be more profitable for a local agency operating under restrictive state legislation. In 1991, some \$641 million was forfeited under Federal asset forfeiture proceedings. Under the equitable sharing program, this non-appropriated money flows to Federal, state and local law enforcement agencies. Most importantly, Federal prosecutions do not drain state and local funds or resources.

But what looks like an optimal referral strategy on the surface has many difficulties. First, Federal referrals may not always be available as an option. Federal interest is, by definition, primarily national and international in scope seeking to reduce and control the entry of illegal drugs through interdiction and diplomacy. Interdiction by air and sea in itself is usually beyond the capacity of local government agencies. The state has interest in regional problems that transcend local jurisdictional boundaries and focus on distribution networks. It is primarily at

the local level that interest is on street sales and demand reduction activities. The goals of these governmental entities are not equal or the same (Goldstock 1992).

Despite differences in resources, ability and capacity, the Federal government does not prosecute all Federal offenses. There are classes of concurrent jurisdiction cases that are routinely declined for adoption by the U.S. Attorneys because they do not meet their criteria for prosecution. The criteria differ among U.S. Attorneys, based on the extent of the crime problems they encounter, the priority given by the US Attorney's office to certain types of cases and the characteristics of the case. For example, in 1992, the U.S. Attorney in Houston generally would not accept cases if the amount of cocaine was under 10 kilos; while in contrast, the U.S. Attorney in San Francisco accepted nothing under 4 kilos. Thus, the option of Federal prosecutions may or may not be available to state and local prosecutors. When it is closed, two options remain, to ignore the case or to accept it for prosecution at the local level.

The lack of clear cut and consistent guidelines dividing prosecutorial responsibilities among the various legal forums is a major source of uncertainty. Insufficient resources to support prosecution at the state and local level is another factor precluding prosecutors from pursuing these cases.

**Recommendation:**

**1.1 A task force should be established to conduct a systematic study that delineates the roles and responsibilities of Federal, state and local prosecutors in the handling of complex cases including drugs and other organized crime activities.**

The primary purpose of this study should be to examine how the ability of the local prosecutor to provide the first line of defense against drug trafficking can be strengthened and what is an appropriate balance among the resources needed for all activities in the office.

The study should address, at a minimum, the following issues:

1. The increasing federalization of criminal legislation and its effects on the priorities and initiatives of state and local prosecutions.
2. The development of strategies that respect the discretionary authority of prosecutors, (Federal, state and local), yet reduce the problem of cases falling through the cracks; i.e. cases not being prosecuted by any agency because of differences in criteria for prosecution or the lack of resources.



3. The identification of funding sources and the establishment of mechanisms that will adequately support prosecution at the state and local government based on the premises that: (1) funds should be available from ~~non-appropriated sources~~ such as asset forfeiture funds and (2) only one-time investments of funds are required after which the activity should be sustained by proceeds from successful prosecutions.
4. The development of a clearinghouse for identifying, locating and coordinating the availability and use of special equipment, special skills and expertise, at the Federal, state and regional levels so that all prosecutors have access to resources that allow them to prosecute crimes equally under the law, including complex cases.

**FINDING 2:** THERE IS A LEGITIMATE AND COMPELLING BASIS FOR THE LOCAL PROSECUTION OF COMPLEX DRUG CASES.

The prosecution of complex drug cases presents a special challenge to local prosecutors faced with limited resources; one not encountered by the Federal government. The Federal government can amass far more personnel and equipment for single cases than local law enforcement agencies or prosecutors. The concentration of special skills in Federal agencies is substantially greater. If cases are not accepted by the U.S. Attorney, they may not be pursued for prosecution at all.

Not all prosecutors handle complex drug cases for a number of reasons. For some there is simply an absence of statutory authority that is needed to support complex investigations. An example can be found in Alaska where local prosecutors do not have authority for wire taps. In other jurisdictions, statutory authority may exist but be too restrictive to permit its application to complex cases. Some jurisdictions are fortunate not to have the level or type of crime that demands complex investigative and prosecution activity. Other prosecutors operate with such limited budgets that they do not have any resources that can be assigned to complex case prosecutions. Finally, some prosecutors view these crimes as being the responsibility of state or Federal government.

Even among Attorneys General there is little consensus about their role and responsibility. Some state Attorneys General such as Arizona take a proactive stance in combating high-level drug dealing and money laundering. Some offices, such as Florida, Indiana, Iowa, Louisiana Texas and Washington do not have criminal jurisdiction. Others, such as California, reduce their

activity because of budget deficits. Despite these difficulties, many provide some form of investigative and civil case support.

Regardless of the legislative and financial environment a large proportion of local prosecutors recognize and assume responsibility for complex cases. In the survey, they were asked to explain why they took this position. A number of important reasons were cited:

1. Local prosecutors are more sensitive to changes in their community. They can see emerging drug trafficking networks before they gain hold. As a result, they are simply better informed than other non-local officials.
2. Prosecutors recognize that these cases may have uncertain outcomes, with no guarantees for arrests and convictions, or even long sentences. However, they cite their responsibility to the local community to process these cases.
3. Local prosecutors also cited their responsibility for filling the gap between Federal prosecutions or no prosecution. They recognize that the U.S. Attorney may not accept all complex drug case investigations; and that Federal priorities may not match local needs. The impact locally can be a community placed at risk by the drug trafficking network, and a system of justice that does not prosecute all offenses equally under the law.
4. The involvement of local prosecutors enhances local law enforcement investigations. As participants in the process, prosecutors are a source of legal advice to the investigators, may assist in developing and managing informants, are generally responsible for the plea bargaining process involving informants, and indirectly improve coordination and communication between the two agencies.

#### **Recommendations:**

- 2.1. Local prosecutors should establish and maintain an organized crime expertise within their office, if the circumstances warrant.**

The primary challenge facing local prosecutors is establishing a balance between Federal, state and local resources. With limited funds and resources, it is important that the local prosecution and investigative resources be allocated among routine cases and complex cases to sustain the equitable application of justice for all crimes. How these resources can be supplemented by state and Federal assistance and support is part of this allocation process.

Today's emphasis on drug trafficking is not a reflection of changes in the nature of organized crime. Rather the changes that reflect changes in urban problems. In the past twenty years, the emphasis has already shifted from prostitution and gambling to drugs. In the future, the emphasis may be on consumer fraud, white collar crime and environmental pollution. Regardless of area, the challenge to the local prosecutor remains the same. However, as long as local prosecutors maintain their ability to prosecute organized crime cases and keep an infrastructure to support their requirements the challenge will be less daunting.

**2.2 Seed money for complex drug investigations and prosecutions should be provided by the Federal Government. Operating funds for complex drug case prosecutions should be sought from non-appropriated funds such as the proceeds from asset forfeitures.**

Investigators and prosecutors who are involved in complex drug cases have become resourceful in finding support for their activities. They operate with a basic funding premise: find funds that supplement the operating budget, not supplant it. Without additional funds, complex drug prosecutions are often just part of the day to day operations of a drug unit - sometimes a major drug offenders or even organized crime units. Asset forfeiture funds are one source. But the availability of asset forfeiture funds is erratic, and often prosecutors are not included in the sharing agreement. The paradox created by the need for large sums of money to support complex drug case investigations and prosecutions is that these cases, unlike others, are usually revenue-producing (based on seized assets). As a result, only seed money is needed to get them started. The Federal government may be a source for seed money either through block grant funds available from the Bureau of Justice Assistance or the proceeds of asset forfeitures.

**2.3. The local prosecutor and law enforcement agencies should establish an active network and clearinghouse for specialized personnel, equipment and space.**

In addition to funds, there is a need for specialized personnel; access to laboratories; special equipment, and training. Some of these needs may be met if drug investigations are part of a task force operation. In some cases, the military (especially the National Guard) may provide personnel on detail to support investigations, transcribe wiretaps, or provide clerical and administrative assistance. An added benefit may also accrue, since often these personnel already have security clearances. Equipment used for surveillance and observation may also be provided by the military. Local governments and businesses may also be potential donors of space and equipment.

**FINDING 3: THE STATE, REPRESENTED BY THE ATTORNEY GENERAL, HAS A LEGITIMATE ROLE IN THE PROSECUTION OF COMPLEX DRUG CASES THAT HAS TOO OFTEN BEEN IGNORED OR UNDERPLAYED**

Of the 50 Attorney General's offices the vast majority have civil, criminal and appellate jurisdiction. Only 9 do not have criminal jurisdiction. Much like the local prosecutor, the involvement of the Attorney General in complex drug cases varies enormously among the states. Some offices are restricted in their jurisdiction by the constitution e.g. having civil jurisdiction only; others differ because of the policy and priorities of the Attorney General. Despite constitutional limitations, Attorneys General may still be able to provide investigative and litigation support in such areas as civil forfeiture if priority is given to drug trafficking organizations. The relatively large size of Attorneys General offices reflects the existence of additional resources. The median number of attorneys in the 32 offices surveyed was 70, the average was 166 attorney. The preferred mode of delivery of services is either through the establishment of a separate unit or the assignment of cases to specific prosecutors.

The state has a legitimate role in the prosecution of complex drug cases that has too often been ignored or underplayed, As Ronald Goldstock points out, the missions of the Federal, state and local governments are clearly different. The role of the state is to look at interstate patterns of organized crime, to identify distribution networks, and to monitor trends or changes in these areas. However, the state has the ability to use criminal asset forfeiture, RICO, money laundering and wiretap laws in the course of its investigations and prosecutions. The survey of Attorneys General found that the least prevalent activities involved CCE and administrative asset forfeitures.

The state also has the ability to provide education, training, technical assistance and resources for the local governments which is a necessary adjunct to its primary mission. (Goldstock 1992). As early as 1984, Gettinger (1984) cited the prosecutor's need for technical assistance and training in areas like handling wiretaps and tracking money in large transactions. The lack of funds to conduct long term, undercover surveillance, to provide buy money and to purchase needed equipment (ranging from airplanes and boats to body recorders and videotape equipment) was also mentioned in the same survey. However, little assistance was provided in how to marshal these resources.

**Recommendation:**

**3.1 The Attorneys General should adopt a consistent set of resolutions and guidelines about their roles and responsibilities with respect to the local prosecutors and regional task forces dealing with complex drug cases. These should be published as standards and guidelines.**

The states' standards and guidelines should address the following areas, at a minimum:

1. The mission and role of the Attorney General in relation to Federal and local prosecutions, and the resources required to support this mission;
2. The needs of the local prosecutors or regional task forces that can be legitimately fulfilled by the State, with estimates of their cost and identification of sources of revenue;
3. A five year plan for the provision of these services including information systems, financial analysis, technical assistance, education, training, publications and a budget to support these activities.

**FINDING 4: COMPLEX DRUG CASES ARE A SUBSET OF ORGANIZED CRIME CASES AND SHOULD BE INTEGRATED INTO THIS BROADER PROSECUTION ACTIVITY.**

Organized crime cases include a broad range of criminal activity in addition to drug trafficking, prostitution, gambling, embezzlement and fraud. A review of organized crime literature indicated that drug trafficking had traditionally been included in the definition of organized crime. It was only in the 1980's that drug offenses were given special status. The result was to shift the emphasis placed on organized crime and rackets to this single area. This shift can also be seen in the absence of updated materials on organized crime cases, their investigation and prosecution. The implications are discouraging because they suggest that the support and advanced technology needed to control organized crime activity has been limited primarily to Federal agencies with little transfer to state and local agencies.

In the 1970's, many local, large city prosecutors established specialized units most commonly known as Rackets Bureaus. These specialized units were subsequently expanded to Federal Strike Forces or Regional Task Forces to strengthen the coordination needed among agencies or jurisdictions. Their experiences provide valuable advice and expertise for investigators and prosecutors of complex drug cases in the 1990's.

There is little justification, other than public policy, to treat complex drug cases differently from other organized crime cases. Indeed, the separate units established to handle major drug cases may be redundant if the office already has an organized crime or rackets bureau or division. Furthermore, prosecutors reap definite advantages if they establish broader organized crime or corruption and rackets units and fit drug cases within this unit. They gain flexibility to shift priorities and focus on other forms of complex cases such as environmental pollution, consumer fraud, and white collar crime as the need arises. They also maintain a mechanism for training and retaining attorneys in complex civil and criminal procedures, advanced litigation skills and experience in working with law enforcement agencies on complex investigations. The integration of complex drug case investigations and prosecutions with other organized crime prosecutions permits funding and support to be applied to a larger set of cases.

The investigative and prosecutorial requirements of complex drug cases are far different from the vast majority of routine drug cases that overflow the dockets of most courts today. In fact, they are part and parcel of organized crime cases and call for additional, and specialized resources. The documented experiences about organized crime investigations and prosecutions indicate the scope of the problems presented to local prosecutors that handle complex drug cases. They can be found in the President's Commission on Crime and the Administration of Justice in 1968, Task Force Report 8; the Pennsylvania Crime Commission of 1970; the National Advisory Commission for Standards and Goals in 1976 and a variety of studies that were conducted by practitioners and researchers in the 1970's and 1980's (see the Bibliography).

The Law Enforcement Assistance and Criminal Justice Act of 1973 identified the elements that distinguish organized crime cases from street prosecutions. They include the "unlawful activities of the members of a highly organized disciplined associated engaged in supplying illegal goods and services, including but not limited to gambling, prostitution, loan sharking, narcotics, labor racketeering, and other unlawful activities of members of such organizations: (Law Enforcement Assistance and Criminal Justice Act, 42 USCA § 3781(b)(1973). The Pennsylvania Crime Commission recognized that crime syndicates could not be outlawed or punished *per se*, since they could not be defined with sufficient exactness. Therefore, it recommended that investigations and prosecutions focus on their activities, and that "substantive prohibitions of our penal law can be better molded to encompass their (crime syndicates) schemes and activities." (Pennsylvania Crime Commission, *Report on Organized Crime*, 1970:92)

**Recommendations:**

**4.1 A broad review of organized crime issues and needs should be undertaken to identify the factors and issues of current and future importance; to assess requirements for advanced technology and skills; and, to establish a foundation that can adjust to changes in emphasis or shifts in public priorities.**

**4.2 Prosecutors who are engaged in both organized crime and complex drug prosecutions and investigations should review these activities for duplication in operations, to increase efficiencies and productivity in the office.**

**4.3 Prosecutors without such units should seek funds to support these activities. For, without this capacity, the scope of local criminal justice may be limited to non-resource demanding cases, thereby diminishing the credibility of the criminal justice system in the eyes of the public.**

Over recent years, several studies have reported on different ways to expand resources. Among them are multi-jurisdictional task forces (Coldren et al. 1990; Chaiken et al. 1990), the use of National Guard equipment and personnel (Jackson 1990), cross-designation of investigators and prosecutors (Knoepp and Miller 1977), cooperation with regulatory agencies and the private sector (Arizona Attorney General's Office 1990), use of federal or regional information systems such as FINCEN or RISS, new automated crime lab and identification systems (Rau 1991), or geo-based information systems (Uchida 1990). Although these tactics are not specifically designed for the prosecution of complex drug cases, they have the ability to alleviate some of the demands imposed by their special characteristics.

**4.4. Prosecutors should develop mission statements and criteria for (1) the investigation and prosecution of complex drug cases; (2) the referral of cases to other offices or jurisdictions; and (3) a personnel staffing plan.**

The survey indicated that this was a major deficiency in investigations and prosecutions at the local level. Fewer than 1 on 10 prosecutors had written mission statements. Only 3 out of 10 prosecutor had criteria or guidelines for investigation and/or prosecution of complex drug cases; and less than 2 out of 10 had them for the referral of cases to other offices or jurisdictions. The absence of criteria and guidelines for decisionmaking, and the labor-intensive nature of these cases calls for the development of a staffing plan to be used as needed and updated as necessary.

**FINDING 5: INFORMATION SYSTEMS AND ADVANCED COMPUTER TECHNOLOGIES ARE NOT ADEQUATE FOR COMPLEX PROSECUTIONS**

The ability of the criminal justice system to perform well against organized crime and drug trafficking is limited by its reliance on obsolete or outdated information systems. An underworld economy which grosses an estimated \$500 billion annually (Teasley, 1989), and whose assets seized and forfeited by the US Federal government alone amount to over \$500 million annually, by any standard, is supported by advanced computer technology. Yet, a search of the literature and the results of the survey note an appalling lack of sophistication in information systems used by state and local criminal justice agencies. Tools such as *Link Analysis* and *Anacappa* have wide name recognition, but details or manuals about their application are not easily found. Complex drug investigations and prosecutions need sophisticated information systems for financial investigations; to support intelligence systems; and, assist in analyzing vast amounts of information. Even at the Federal level, the Justice Department, with few exceptions, has not funded research and development in this area. Nor has it developed a coherent policy towards the maintenance, update and support of systems whose development had been supported even though models for providing system support exist in other agencies such as NASA.

The result is that there is an active, trading market for off-the-shelf software that has been adapted to meet a practical need. The degree of successful adaptation varies substantially. Any major innovations stemming from the use of advanced technology such as artificial intelligence, expert systems, hypertext and CD Rom are, for all practical purposes nonexistent in criminal justice agencies. With few exceptions, such as the Federal FINCEN system, the importance of keeping up with the technology is a principle not often followed.

**Recommendation:**

**5.1 The Department of Justice, through the Office of Justice Programs, should develop a comprehensive plan that will provide state and local criminal justice agencies with access to the latest technological advances, for investigations and prosecutions.**

There is a vital need for advanced information systems technology to support both the investigation and litigation of complex drug cases and other organized crime activities.

Priority should be given by Office of Justice Programs to provide program funds and grants for the design, development and maintenance of these systems and their dissemination. First



priority should be to make funds available for the development of an evidence tracking and intelligence system that satisfies both investigative and prosecutive requirements.

Federal, state and private agencies have developed demonstration models, training courses, information exchange and technical assistance to assist state and local agencies in obtaining special knowledge and resources. (For an overview see BJA 1989; NIJ 1990, 1991, 1992; BJA, NIJ 1990, 1991). These activities have addressed operational and organizational requirements, such as the number and type of personnel needed (Karchmer 1987; Stoddard et al. 1991), or special equipment needs. A recent survey of asset forfeiture programs conducted by the Jefferson Institute shows that, despite extensive effort to provide information and training to state and local agencies, many jurisdictions still need basic support. In brief, asset forfeiture operations remain largely uncoordinated and rudimentary (Jacoby et al. 1992).

High turnover in personnel coupled with frequent changes in the legislation make it difficult to maintain an up-to-date, well-trained pool of investigators and prosecutors. In other program areas, such as career criminal and repeat offender programs, efforts have been undertaken to address this persistent need for information and training by applying advanced technology to this problem through the use of expert systems to design program plans tailored to local jurisdictional requirements (Jacoby and Ratledge 1987; Ratledge and Jacoby 1989). But this is only one application and it suggests that the potential of technological advances to assist in planning and training activities is still largely untapped.

**FINDING 6. TRAINING PROGRAMS FOR POLICE AND PROSECUTORS IN THE USE OF ADVANCED INVESTIGATIVE AND LEGAL TECHNIQUES ARE ABSENT OR INADEQUATE.**

The most successful investigations and prosecutions of complex cases occur when the police and prosecutor collaborate in all phases of the case. This collaboration depends primarily on the ability of the agencies to communicate and work together. The prosecutor may assume a variety of investigative roles ranging on a continuum, from no involvement, to monitoring the status of the investigation, to participating in the strategic planning, to policy oversight of its operations. Each role affects the ability of the prosecutor to adopt an anticipatory stance with respect to the litigation, develop a disposition plan prior to the case being brought forward, and be prepared for discovery and motions as early in the adjudication process as possible. The more these functions can be established, the better are the chances of success. But this status is also affected by law enforcement agencies. If they do not recognize the different responsibilities and roles that prosecution plays in the collaborative effort, or the evidentiary requirements that surround

wiretaps, surveillance, financial investigations and other sophisticated investigative techniques, then their success may be limited unnecessarily.

Training programs that teach state and local agencies how to investigate and prosecute special cases are available from a number of Federal, state and national organizations, such as the USAO, LECCs, NDAA, NAAG, PERF and ABA. For operations, such as the seizure and forfeiture of assets, that require more intense cooperation between law enforcement and prosecution, some emphasis has also been given to functional areas, such as property management, forfeiture guidelines, and policies for the distribution and use of proceeds (PERF 1988-1992; Jacoby et al 1992). Although many jurisdictions have created special operational units, such as major drug offender units, money laundering units, asset forfeiture or organized crime units (Nugent and McEwen 1988), discussions about their special management and organizational issues are generally absent.

There is little literature available that examines the significant differences between complex drug cases and routine prosecutions with respect to the techniques and strategies needed for successful prosecution and the demands they place on a prosecutor's office. Some training manuals exist to guide prosecutors through the procedural steps for special drug cases (See, for example, Johnson 1990). They suggest the use of special techniques and tactics, such as net worth analysis or strategies that might affect a grand jury decision. But manuals or reports that apply this knowledge to the specific area of complex drug prosecutions, and addresses the issues and their effects on the prosecutor's office are missing. Missing also is information about the different choices prosecutors have in pursuing these cases; and details about the impact of these different choices on management and the organization; and techniques for overcoming limited resources.

#### **Recommendations:**

##### **6.1 Specialized training programs about advanced investigative techniques and legal evidentiary requirements should be developed for investigators and prosecutors**

Prosecutors often call on Federal, state and local agencies or task forces for technical expertise and for the development of crucial evidence. In their study on the prosecution of corporate crimes, Benson et al (1990) found that most district attorneys (DA's) included in the study indicated that the lack of adequate investigator and prosecutorial staff limited their ability to prosecute these cases. Over half of them reported that budgetary problems constrain their actions. Eighty three percent of the DA's indicated that they would defer these cases to federal

prosecution (*survey*). The findings suggest that problems of resource management strongly influence the prosecutor's decision to proceed. When Federal prosecutors are involved, local prosecutors are more willing to forego expending their own resources. Although the lack of staff and the deference to the U.S. Attorney's office ranked as the most important limiting concerns among both large and small districts, half of the smaller jurisdictions (as compared to only one-fifth of the larger jurisdictions) also cited the length of time a complex case might take as an impediment to their ability to prosecute (*survey*). Interestingly, attorneys from larger jurisdictions were more concerned about the difficulties of establishing the evidence needed to prove complicated legal requirements than their counterparts from small districts. This suggests that prosecutors in smaller jurisdictions probably present this evidence infrequently.

These training programs should identify the issues and problems associated with these investigations, the role and requirements of prosecution, and strategies or procedures that enhance successful results. They should also focus on the organizational and management issues associated with interagency cooperation and communication. The training programs should be structured as workshops, combining lectures and program development, by teams of investigators and prosecutors. The state Attorney General should, to the extent possible, act as the umbrella for presenting these courses. Although the Federal government could support the development of a prototype curriculum for the basic outline and content, it should be the state's responsibility to tailor specific information and training content to state statutes and court rulings.

**FINDING 7: THE USE OF CIVIL SANCTIONS IN COMPLEX DRUG PROSECUTIONS IS FRAGMENTED AND OFTEN APPLIED ON AN AD HOC BASIS**

One of the most controversial areas today is the use of civil remedies in addition to, or in lieu of, criminal sanctions. More specifically, the practice of seizing and forfeiting assets has engendered such negative reactions from the media, that a large segment of the public either does not understand or condone the use of civil remedies. Recently the Supreme Court issued two opinions that placed new constitutional limits on the government's authority to use civil and criminal forfeiture laws against those who commit drug crimes or engage in racketeering. The court ruled that property seizures under both forfeiture laws must not be "excessive" when compared to the seriousness of the crime. The Eighth Amendment's ban on "excessive fines" applies directly to forfeitures because they are a form of punishment. (*Austin v. U.S.*, No 92-6073 and *Alexander v. U.S.*, No. 91-1526)

Despite the horrendous stories of abuses and the failure of Federal and state governments to issue guidelines and standards (Jacoby et al. 1992) civil sanctions can play a valuable part in damaging the trafficking networks, taking some of the profit out of crime and increasing social responsibility. Civil remedies test the limits of social accountability. Civil procedures hold individuals and corporations responsible for their behavior, particularly negligent behavior. They are a valid form of social control. They offer another alternative to criminal justice by judging actions against a different set of criteria, i.e. responsible behavior.

The lack of knowledge about differences between civil and criminal remedies causes misunderstanding. This was recognized by the Jefferson Institute's evaluation of asset forfeiture programs conducted in 1991 (Jacoby et al. 1992) which called for education about civil procedures, civil standards of proof, and the differences in goals between criminal and social justice. The evaluation recommended that the Department of Justice develop and undertake an extensive public education program aimed at citizens, the media and legislators so they could better understand the assumptions, principles and protections guiding this practice. This need still remains, and it is recommended here as a support for the use of civil remedies in the prosecution of complex drug cases.

**Recommendation:**

**7.1 Ethical and procedural guidelines should be developed by states that recognize the legitimate role of civil sanctions and address its relationship and use in complex drug prosecutions.**

Costly investigations and prosecutions can be funded by forfeitures rather than appropriated funds. There are a number of models already in the states that demonstrate how these programs can work successfully. Police and prosecutors in Prima County, Arizona, Colorado Springs, Colorado, Broward County, Florida, and others have established controls and guidelines over these activities. The next step is to integrate their use into each plan developed for complex drug prosecutions.

These guidelines should also address the application of other use of civil sanctions, regulatory laws and statutes to support the goals of complex drug investigations and other organized crime cases.

**FINDING 8: THE COURT MAY RESIST DOCKETING COMPLEX CASES**

The litigation of complex cases may be resisted by state courts if they already suffer from backlog and delay. This is an especially sensitive issue for judges who operate within an individual docketing system. As a result, the court's resistance to complex cases may be a substantial problem.

**Recommendation:**

**8.1 The judiciary should examine the impact of complex cases on the courts and develop a processing strategy that will minimize processing delay, facilitate the filing of motions, support the presentation of complex evidence, and consider jurors' needs in untangling complicated presentations.**

There are a number of options which may be selected to help reduce the impact of complex cases on the court. They range from designating a special team of judges trained in complex investigations and transactions to be assigned to these cases; the use of a "flying wedge" of retired judges to temporarily handle the caseload; or establishing separate courtrooms for the processing of these cases. Under any of these options, the judge must exercise total control over the trial pace and process.

**CONCLUSION - A PLAN FOR THE FUTURE**

There is a *deja vu* quality to this assessment because in spite of its focus on complex drug prosecutions, the factors and issues surrounding this subject are strikingly similar to those operating in the larger universe of organized crime. In the future, we would hope that similar studies would be cast within the scope of this larger universe so that new knowledge and technological advances would be focused on this wider problem area. To be sure, the problems associated with drug trafficking are important and serious. They require the development of strategies and skills that are not normally found in local prosecutor's offices. However, as we noted, there is more benefit to be derived from casting resources and assistance into the wider problem area of organized crime and rackets than pursuing a narrow specialization.

The finding that was most disappointing was how little research attention has been given recently to organized crime investigations and prosecutions. Much of the literature of the 1970's still exists as the only sources of knowledge and information. Yet technology has changed considerably in the past 20 years, even the past 10 years. There is a critical need for new

technology to be applied to the problems and needs produced by complex investigations and prosecutions. It is disappointing that virtual reality exists in arcades and shopping malls but is not being assessed for its utility in crime scene reconstructions. The ability and power of the computer to support link analysis, and relate transactions and people is needed at the local level. Its availability at the Federal level in agencies such as Treasury Department and the FBI is not sufficient to support its potential value to local prosecutors or state and local task forces.

These two major findings suggest the existence of a more serious problem, namely the fragmentation of effort within the entire criminal justice system regarding complex cases. The basic needs are not necessarily specific to individual offenses; rather they emanate from the activities that are needed to provide closure to investigations and prosecutions. These needs are systemic. They involve all levels of government, Federal, state and local. They spread geographically and jurisdictionally. They include skills and expertise not always available in a timely fashion. They demand time and resources. Most importantly, however, unless they are met and addressed, they have the potential to undermine the credibility of our system of justice and the tenants of equal justice under the law.

Therefore, as a first step we recommend that NIJ support the development of an up-to-date, comprehensive and relevant strategy to support the investigation and prosecution of complex cases at the local level. A strategic plan should be developed that is directed to local prosecutors and provides them with the ability to deliver services in this area as needed. This plan should be inclusive. It should present a vision, specify goals and objectives, and examine and assess various ways to achieve them. It should establish a broad timetable for implementation.

It is clear that the roles of each of the law enforcement and prosecution agencies change as they move from Federal to state to local governments. One purpose of this plan would be to provide as much support to each role as is needed, not short changing one to provide for another. The plan should consider the realities of the legislative and economic environments within which the prosecutor operates; develop policy for the office that allows for the investigation and prosecution of complex cases; examine the various organizational models and management support needed to provide these services; develop procedures for implementation; specify the coordinating mechanisms between agencies and other resources; establish guidelines and criteria for this activity that address prosecution, closure, corruption, security and protection, among others; and, develop measures for performance and monitoring.

This is not an easy task. We envision it being conducted by a task force composed not just of criminal justice experts, but others like sociologists, computer science experts and economists who can assist in keeping the vision broad and long term. This is not necessarily a short term task. As policy issues are uncovered, some may be resolved quickly; others may require extensive negotiations between the heads of different agencies or jurisdictional areas of responsibility. However, only by adopting a slow methodical approach to identifying needs and resolving issues can we expect to develop a strategy that can be maintained over a relatively long period of time.

In conjunction with the development of the plan, attention needs to be given to establishing means for supporting the local prosecutors. This study suggests that even the areas of training, education and information sharing are unevenly developed, often fragmented and sometimes absent. Mechanisms need to be established that will provide relevant training and education. This suggests that the states, through the office of the Attorney General, should assume responsibility for education and training within the framework of the state legislative environment; and, that the Federal government assume responsibility for experimentation, research, demonstrations, technical assistance and dissemination to assist local prosecutions. The task confronting the Federal government should not be how to absorb additional cases that could be prosecuted at the local level, but rather how to provide the local governments with assistance and resources that will allow them to keep some of the cases.

The results of this study show the need for and the power of the local prosecutor in presenting the first line offense or defense against organized crime activities. The implications for extending these stances to other areas involving rackets and organized crime, to consumer and environmental protection services, to white collar crime become powerful arguments for providing adequate and appropriate supporting mechanisms. The Federal Government should be taking a leadership role in ensuring that assistance is provided, not just by making its resources available to the local governments but also by developing new resources for local government use.

Finally, there is a need to speed up the application of information technology and computer systems to support the investigation and prosecution of complex cases. The very complexity of these cases is justification for this speed up. The fact that investigations and prosecutions are handicapped by poor or incomplete information, that cases bog down because of information overload which cannot be processed in a timely fashion are just a few indicators of unnecessary delays and difficulties encountered by prosecutors and investigators. Therefore, the strategic

planning effort should also develop a plan to ensure that advanced computer technology and systems is available to local governments and that the systems developed meet local government needs. The developers should not just be criminal justice experts, but persons familiar with a wide array of information technology issues and applications.



## Chapter 3. THE NATURE OF COMPLEX DRUG CASES

### INTRODUCTION

In this chapter we define complex drug cases in terms of the complexity of investigations and the type of illegal activity. It is not sufficient to define complex drug cases merely by their offense label. Some drug trafficking cases, for example, may be processed like other routine prosecutions while others are complex. The crucial difference lies mainly with the complexity of the investigation. The goals and objectives of complex drug cases also differ from routine prosecutions, and they generate a different set of requirements that are not normally encountered by the prosecutor. This chapter provides insight into the difficulties that prosecutors encounter as they attempt to balance office resources with the demands associated with more complex prosecutions.

### DEFINITIONS OF A CASE

Complex drug cases are differentiated by two factors: the complexity of investigative techniques and the type of illegal activity.

#### COMPLEX DRUG CASES:

##### Use investigative techniques such as:

- Wire taps
- Financial Investigation  
(Including Asset Forfeiture)
- Link Analysis
- Sophisticated Electronic Surveillance

##### Against on-going, illegal activities involving:

- Drug Conspiracies
- Drug Trafficking
- RICO and Continuing Criminal Enterprise (CCE)
- Money Laundering

A primary characteristic of complex drug cases is their reliance on advanced investigative techniques such as wire taps, financial investigations including asset forfeiture, link analysis, and sophisticated electronic surveillance. Each technique requires resources that are not routinely used by prosecutors or law enforcement agencies. For example, wiretaps may require translators if the tapes record a language other than English, or suspects speak in code. Analysts record and classify volumes of information into digestible form. Financial investigators may be needed to trace assets in drug conspiracy cases, develop the evidence needed to prove drug trafficking, or track money laundering activities. Most asset forfeiture statutes use civil proceedings, which may also be unfamiliar to many prosecutors, and which are often strongly resisted by the public. (Jacoby et al. 1992). Link analysis attempts to identify covert relationships between seemingly unconnected individuals or corporations, and requires special training if it is to be used in an investigation. Electronic surveillance requires intensive manpower allocations. Round the clock surveillance may require teams of 5 or more investigators for extended periods of time.

The activities most frequently prosecuted by local prosecutor are asset forfeiture and conspiracy cases. About 95 percent of the prosecutors reported that they either investigated or prosecuted asset forfeiture and conspiracy cases. Only 42 and 34 percent, respectively, has a similar involvement with RICO and money laundering cases. The reasons for these disparities can be seen in the nature of the cases themselves.

Complex cases also involve different types of criminal activities and offenses whose elements of proof are often more complicated than routine cases. Among these are *drug conspiracy cases*. A conspiracy is defined as an agreement between two or more persons to commit a substantive crime. The crime need not be committed; the agreement, or partnership, to commit the crime and some act in furtherance of the conspiracy is itself considered an offense (DEA 1987). The obvious complication that drug conspiracy cases present to prosecutors is the need to develop evidence that supports the intent to commit a crime. Another problem is posed by the existence of multiple offender constellations. Not only do these constellations change and complicate the tracing of connections, but they also make it more difficult to tie certain criminal acts to certain offenders. They also often extend over time and across county, state and country borders, producing criminal activities committed in a number of jurisdictions. While criminals do not have to observe lines marking jurisdictions, law enforcement and prosecutors do. Therefore, these cases require extra coordination and communication with other government entities.

*Drug trafficking* cases are complicated by the variety of organizational structures that have to be penetrated. The U.S. Attorneys and Attorney General's report (1989) provides examples of the types of organizations used for drug trafficking. Trafficking networks range from major international cartels to vertically integrated trafficking groups, to smaller, outlaw motorcycle gangs to city-based, drug operations such as the California street gangs, which have even less sophisticated organizational structures but extensive sales networks of low-level operatives. Most networks are not clearly defined, tightly structured, stable entities, but rather informal, loosely structured, open systems which react to economic and environmental changes. While some of them show long-term patterns of collaboration, the participation of most subjects follows not so much permanent organizational structures, but "business" related variations, like supply and demand, competition and risks (Mastrofski and Potter 1987; See Bynum, 1987 for a summary of this literature).

These variations are one reason why it is difficult to develop enforcement and prosecution guidelines, and why developing and transferring strategies to target these offenders may be as complicated as defining investigation's requirements and its success. Although no studies have linked the effectiveness of special enforcement efforts to various distribution networks, it is very likely that different networks react differently to strategies that are aimed at network disruption or general drug crime reduction. This also means that a program's success may depend on the illegal network it is aimed at. Most difficult to apprehend and prosecute are high-level traffickers who operate covertly, especially if they are protected by strong organizational structures (Adler, 1985; Waldorf, 1987).

Another set of cases, *RICO and Continued Criminal Enterprise (CCE) cases* require special consideration because of the complexity of the evidence needed to prosecute drug crimes under these statutes. They not only require evidence of the coordinated illegal activities of at least two persons involved in more than one criminal action, but also a pattern of racketeering or continued illegal activity (at least two acts). Proving these offenses generally requires substantial tracing and intelligence gathering

RICO and CCE cases require special knowledge and resources, often not available at the local level. Nevertheless, many states have enacted legislation that reflects the federal provisions. The use of RICO or special conspiracy statutes has been successfully implemented in States like Florida, Arizona and Colorado to prosecute drug distributors (Arizona Attorney General's Office 1990; Florida Department of Law Enforcement 1989; Colorado Springs Police Department 1989).

Much attention has been given recently to the prosecution of *money laundering cases*. (Tien, 1985; Karchmer, 1987; Preston, 1990; Karchmer and Ruch, 1992) The term, money laundering, refers in the broadest sense to all activities designed to conceal the existence, nature, and final disposition of funds gained through illicit activities (U.S. Attorneys and The Attorney General 1989). It covers a large range of financial activities from exchanging currency to tax evasion. The fact that most drug transactions are carried out exclusively in cash makes money laundering an indispensable adjunct to drug trafficking activities.

One of the most frequent difficulties law enforcement personnel and prosecutors have with money laundering schemes is the initial frustration they feel because a launderer's actions appear hopelessly intertwined and removed from the initial criminal activity. Further discouraging these investigations is the fact that laundering activities *per se*, such as depositing money in several accounts, are usually not illegal. It has only been since 1986 that the act of money laundering is a Federal crime. As a result, crimes involving money laundering have been the primary interest of Federal enforcement and prosecution agencies. This reflects the predominance of Federal jurisdiction in areas of drug trafficking conspiracies and anti-racketeering laws and the use of Federal regulatory machinery to investigate money-laundering transactions (Karchmer 1987).

However, there is a "local" character to money laundering as well. Law enforcement and prosecution agencies concentrating on, lower level drug trafficking organizations have found that they also tend to use local financial institutions and business ventures to launder their illegal profits (Preston 1990).

Even if one resolves the issue of the definitional elements of complex cases, such as that discussed above, there still remains the definition of the term "case". Traditionally, the court defines a case as composed of charges and defendants identified by a court docket number. In the area of complex drug investigations and prosecutions, the term case has two meanings. The first is associated with the investigative stages; the second occurs when arrests are made and charges filed. When a "case" is in its investigative stage, it may focus on the activities of many suspects who move in and out of interest over a long period of time, and whose activities are ever-changing as the investigation progresses. Once the investigation, or one part of it, terminates with arrests and prosecution, then the definition of the case to be prosecuted takes on its traditional court meaning. However, even this traditional definition of court case may be complicated if it relates to more than one defendant, one docket number, or one proceeding, in

more than one court. This problem surfaces when one attempts to collect statistics about the number of cases investigated and a consistent definition is not uniformly used.

#### GOALS AND OBJECTIVES

##### GOALS AND OBJECTIVES FOR COMPLEX DRUG PROSECUTIONS

###### GOALS

- \* Convict the leaders
- \* Abolish drug trafficking networks
- \* Take the profits out of crime

###### OBJECTIVES

- \* Deep penetration of the organization or network
- \* Disrupt the network and prevent expansion or displacement
- \* Damage the network by taking its assets
- \* Convict the head of organization and lieutenants
- \* Fill the gap between Federal and local prosecution

Unlike routine prosecutions where the goals of deterrence, punishment, incapacitation and increasing public safety are commonly shared, complex drug cases operate with a different set of goals --- some of which may even conflict with other legitimate prosecutorial goals. The primary emphasis is on disrupting or closing down a network (Preston 1990) and reducing the profits from illegal activities. At the state level, the first priority cited by Attorneys General was damaging the network. Almost one half (46 percent) of the local prosecutors cited this as the priority cases with multiple defendants or a complicated network of activity. Only 10 percent looked at conviction as the priority for prosecution.

In all likelihood, the goals of conviction and abolition of the network may never be fully achieved. Rather, they will be approached through a series of incremental steps. Part of the reason for this is that networks are not stable over jurisdictions or time. Each one that exists within a prosecutor's jurisdiction dictates the use of different approaches and different tactics.

The objective of investigators and prosecutors is to penetrate the organization or network as deeply as possible and inflict maximum damage. This is achieved more often by small steps, moving from one layer to another; rarely in one fell swoop. The recent conviction of John Gotti offers a good illustration of the results than can be achieved through the deep penetration of the organization. However, Gotti's conviction did not close the case, that may happen only after the "lieutenants" are also convicted.

There are different strategies for penetrating the network. Some may be based on a bottoms-up approach, convicting or turning the capos and middlemen until the boss is reached. Others may reflect a top-down technique, convicting the boss and then going after the lieutenants. No matter which approach is taken, the development and management of informants is crucial to the prosecution. The question is: should the informant's involvement be ended or should the investigation continue to go deeper into the organization?

The strategies used to prosecute complex drug cases sometimes conflict with the goals and activities implied by general office and agency policies or even sentencing guidelines. For example, a recent special report on mandatory minimum penalties in the Federal criminal justice system noted that defendants known to have been involved in ongoing drug activities are just as likely to be sentenced *below* mandatory minimums as those for whom only a single drug event was known. Defendants most likely to be sentenced at or above the minimums are street level distributors, *not* those involved in large scale distribution, manufacturing, and importation (U.S. Sentencing Commission 1991).

These findings lend proof to the existence of conflict with the local prosecutor's more traditional goals of punishment and incarceration. No longer can defendants be viewed narrowly for prosecution; rather, they must be viewed in relation to their ability to support or forward a broader investigation. If this means no prosecution or prosecution on a lesser charge, then a lesser sentence may be traded for a larger purpose. The decisions made by the prosecutor clearly are influenced by the existence of these different goals.

The conflicts with other prosecutorial goals present prosecutors with a set of policy decisions and ethical considerations not normally encountered. For example, convicting the leader of a network satisfies a justice goal. But damaging a network satisfies some broader social goals of accountability and safety, and this course of action may be selected at the risk of compromising the justice goal. If the mandate of prosecuting all crime equally is sacrificed for the improvement of social good, the question becomes important. If, for example, the prosecutor is caught in the

trap of dealing cases away time after time to obtain a deeper penetration into the organization, then what happens to the equality of justice and the public's perception of its application? If the prosecutor believes that the network is more dangerous than the individual, then suspects have to be rolled but the question of reasonable balance has to be addressed.

## CHAPTER 4. DIFFERENCES ASSOCIATED WITH COMPLEX DRUG CASE PROSECUTIONS

### INTRODUCTION

In this chapter we examine the differences between complex drug case prosecutions and the larger, more familiar universe of "routine" or "typical" drug prosecutions for possession, sales and distribution. It is the differences in time and resources, police/prosecutor coordination, and litigation that impact on the prosecutor and require different responses, changes in policies or procedures.

COMPLEX DRUG PROSECUTIONS	
Differ from routine drug prosecutions in:	
<u>TIME AND RESOURCE REQUIREMENTS</u>	
Duration of investigation is long	
Personnel commitments for long periods	
Substantial workload	
Low caseload	
No early return on investigations	
Security problems	
<u>POLICE AND PROSECUTOR COORDINATION REQUIREMENTS</u>	
Joint police/prosecution investigations and planning	
Investigations drive management	
Strategic planning and anticipatory prosecution	
<u>LITIGATION REQUIREMENTS</u>	
Advanced attorney training and experience	
Complex nature of the evidence	
Specialized skills	
Litigation in many forums	

### TIME AND RESOURCE REQUIREMENTS

The extensive investigations preceding arrests and prosecutions may extend well over a year and into many avenues of inquiry, some rewarding, others frustrating. The workload, associated paperwork and record keeping activities are substantial. They require a commitment



of personnel and resources over long periods of time. These commitments may be difficult to maintain if investigations spanning one to two years conflict with personnel promotion or rotation procedures that limit the retention of experienced and knowledgeable investigators or attorneys. On the other hand, the complexity may cause investigative burn-out, and require sufficient resources to back up overworked and stressed personnel.

Hindering the involvement of local prosecutors in complex prosecutions is the extensive investment of people and resources required for a small number of cases. Two or three complex cases may tie up a single attorney for a year or more. The Attorneys General reported that the median shortest investigation was 2 months, the longest 12 months and the majority were 6 months. The pattern is similar for local prosecutors: the shortest investigations were 2 months, the longest 12 months and the majority were 3 months. The typical length of time for prosecution by the local prosecutors was 5 months.

If prosecutors are also responsible for conducting routine prosecutions in addition to the complex cases, they often have to juggle two sets of priorities. In terms of efficiency, there is little to justify taking on complex investigations that generate a long lead time before arrest. Early successes for the large amounts of money and time invested are not routinely forthcoming. Resources are particularly difficult to find in small jurisdictions which are not immune to the possibility of encountering complex cases. This problem may be resolved if the prosecutor, after an analysis of the facts, is able to turn to law enforcement agencies for assistance, other prosecutor's offices, task forces or the state Attorney General. Five out of 10 prosecutors reported that the lack of personnel hindered their ability to investigate and prosecute complex drug cases. It is interesting to note the relationships between the Federal, state, and local prosecutors. Eighty percent of the Attorneys General reported that some of there cases were prosecuted by other agencies, mostly by the local prosecutor; while 90 percent of the local prosecutors reported that some of their cases were prosecuted mostly by the Federal government.

Complex drug cases create security problems because of the nature of the targets of investigations and the objective to penetrate the organization or network. Aggressive security precautions should be the norm. Not only is there is a real threat to the lives of the judges and prosecutors but also to informants. Recognition should always be given to the potential for the corruption of police investigators, and even prosecutors when developing security plans.

#### POLICE AND PROSECUTOR COORDINATION

The combined skills and expertise of both police and prosecutors are vital to successful investigations and prosecutions. As Goldstock (1992) emphasized: each agency should recognize and respect the other's role in the process, deferring to one another in particular situations as legal or investigative issues predominate. Different kinds of coordinated activities are needed. Proactive investigations may require financial background checks to trace money and property, business connections, and travel activities over sometimes long periods of time. Witness preparation often requires special protection efforts (Goldstock and Coennen 1980); expert witness testimony may be needed to explain the results of a net worth analysis (Nossen 1982).

Success is almost entirely dependent on the degree of coordination and communication established by the police and prosecutors. Investigative information flows from the bottom (street, or investigative level) up to the top (management and administration level). It is this information that sets the nature and scope of the investigation and directs the lines of inquiry. The prosecutor may assume one of several roles. Least beneficial is a reactive one where the case is submitted as *fait accompli* and the prosecutor has little knowledge or involvement in the preceding investigative activities. At the other end of the continuum, prosecutors may direct the entire investigation, thereby knowing every detail of the case. Clearly, the level of involvement between police and prosecutor may have a significant effect on the prosecutor's ability to bring about a successful prosecution.

Strategic planning and anticipating the prosecution requirements of each case are integral to complex drug prosecutions. Because the range of investigation and the findings vary from day to day, and the expenditure of personnel and funds escalates, a strategic plan is essential if only to determine when parts of the case should terminate with arrests or other actions. The plan also anticipates the evidentiary needs of a case, the timing of discovery, and the presentation of evidence and findings. Presenting to the court findings based on financial investigations, asset forfeiture and other sophisticated investigative techniques also requires substantial planning time.

For optimum results, the prosecutor should be involved from the beginning to anticipate the type of prosecution that will be forthcoming and the range of available remedies that will be used. Each court case has to be viewed with an eye to a trial not to a plea bargain, and with an expected sanction clearly in mind. If negotiation is undertaken, its purpose is to gain more information or intelligence about the organization or network, not to obtain a speedy disposition

by means of a plea. Criminal prosecution leading to incarceration and fines is only one remedy. The use of civil remedies, including forfeitures, abatements, injunctions and suits for monetary damages may also be valuable avenues for disrupting or damaging the network. The choice of strategies will influence the type of case that will eventually go to court. Finally, cases should not be investigated in perpetuity. The strategic plan should include investigation closure criteria that are developed in advance and updated as the investigation proceeds. For example, an investigation could be closed when the bulk of the assets have been seized, the majority of defendants identified, or there are no more funds to support the investigation.

#### LITIGATION REQUIREMENTS

**Legal rules concerning search and seizure, the right to counsel, electronic surveillance and related issues are now so intricate that police must routinely rely on lawyers to determine what they can and cannot do in any type of complex investigations.**

*Ronald Goldstock, NY Organized Crime Task Force*

Prosecutions resulting from long term investigations face the added challenge of evidence selection and presentation. The amount of evidence may be voluminous, requiring classification, sorting and prioritizing for presentation. The presentation strategy has to be compelling but not confusing to the judge or jury. For example, financial investigations that trace hidden assets produce evidence in unfamiliar forms such as the results of net worth analysis. Link analysis may be entered into evidence about charges that do not include the possession of drugs or guns or have little corroborative evidence. Similarly, cases with co-conspirators present difficulties in proving criminal intent and actual involvement. Even wiretaps have to be screened for their evidentiary value. The need for well trained, skilled prosecutors becomes even more acute when one considers that the defendants in these cases often have the financial resources to hire the best defense attorneys available.

The complex nature of the evidence distinguishes these cases from the routine. It requires highly trained attorneys, a variety of specialized skills not normally possessed by prosecutors, and choices about the forums for prosecution. The demand for highly trained attorneys reflects the increasing complexity of legislation and statutes, and the impact of new and emerging technologies. Prosecutors have been given more control over sophisticated investigative techniques; they may serve as counsel to the grand jury, resolve immunity questions and are

responsible for applying for authorization to conduct electronic surveillance and monitoring its execution by the police. (Goldstock, 1992)

Complex prosecutions require skilled attorneys who have received advanced training and are experienced in specialized areas. Wiretap is an excellent example of an area where formal training has to be mixed with on-the-job training to keep skills ready. To assure the steady availability of resources, some jurisdictions have created teams for wiretaps, investigations and motions where one attorney is the lead attorney and the other is the co-chair. On the next case, the co-chair assumes the lead position and a new attorney is brought in as co-chair.

Sometimes, investigations require specialized skills not found in law enforcement agencies. Frequently, the academic world can provide economists, sociologists, loss prevention specialists, historians and political scientists, and industry can provide experts to help make policy recommendations to the investigating agencies (Goldstock, 1992). Investigators need basic experience in undercover work, confidential informant management and electronic surveillance. But they also need to know how specific legal concepts are applied to their work, especially in the areas of conspiracy, trafficking and asset forfeiture law.

For local prosecutors, the typical staffing for complex drug cases includes: 4 prosecutors, 2 paralegals, 2 crime analysts, 2 intelligence analysts, 1 investigator on staff, 5 law enforcement personnel on detail and 4 support personnel. Still, on the local level, the biggest demand is placed on law enforcement agencies.

Litigation may proceed in civil or criminal courts, or both. As a result, another important decision in a prosecution strategy is selecting the forum for the case. Parts of the case may be prosecuted in the U.S. District Court, other parts in the state criminal court and some parts such as asset forfeiture proceedings may be processed through civil courts. The selection of forums attempts to balance the highest achievable sanctions with the availability of trained and experienced attorneys. Early decisions and careful planning are critical to establishing this balance. Attorneys may be cross-designated to operate in Federal or state courts; they may conduct civil trials; and, they may have to develop guidelines and criteria for the prosecution of a case both civilly and criminally so a proceeding in one court does not have a detrimental effect on another proceeding in the other court. Prosecutors traditionally trained in criminal law may have to expand their knowledge to include civil court proceedings and tactics.

The prosecution of complex drug crimes may require different adjudication policies (toward plea bargaining, discovery, motions); different trial procedures (including separate drug courts, motions and appeals); different courts (through the use of civil procedures for asset forfeitures and racketeering); and, different sanctions (e.g. payment of monetary damages). It also requires accountability to lessen the risk of failure. Vertical prosecution or team prosecution ensures that policy and strategies are consistent; trial teams give flexibility to case processing and scheduling while maintaining accountability; and, the designation of special trial attorneys who are experienced in procedural responses such as motions to suppress (e.g. wiretaps, surveillance, search warrants, etc.), and the adjudication issues keep these activities centralized.

#### CONCLUSION

Complex drug prosecutions require a more specialized, set of activities; they operate with a different set of goals and objectives; they have different characteristics and dimensions; and, they present a different set of issues for prosecution. Because investigating and prosecuting these cases require special skills, techniques and additional resources, state and local agencies are often unable to respond to such technologically or operationally intricate offenses as money laundering, drug manufacturing, drug trafficking conspiracies, and drug-related banking crimes. For the prosecutors who dedicate resources to complex cases, there are a set of issues that should be addressed,

## CHAPTER 5. ISSUES FOR PROSECUTION

### INTRODUCTION

In this chapter we describe the factors associated with complex drug prosecutions and indicate the issues that surround them that are different from routine prosecutions. Although the factors themselves are not unique, e.g. the organization, budget or performance measures, the questions and issues they produce are not normally considered in the routine prosecution and management of criminal cases. For each of these factors, we will discuss some of the more salient issues from both a political and practical perspective.

#### CRITICAL FACTORS AND ISSUES

##### Criteria for acceptance

Type of organizational structure

Role of prosecutor in investigations

Criteria for legal forum

Measures of success

Role of federal, state and local prosecutions

Corruption and ethical considerations

### CRITERIA FOR ACCEPTANCE

Two criteria are needed in addition to the normal screening criteria for accepting (or declining) cases that are based on the prosecutor's policy and guidelines. They are: (1) the likelihood that there is a chance of affecting the network by undertaking the investigation; and, (2) the availability of resources.

#### Validity of the Investigation

The validity of the investigation is determined through meetings with all the principals (police and prosecution) who will be affected by a decision to move forward. The purpose of these meetings is to determine whether there is an identifiable target; and a strong likelihood that it can be reached, either through informants or defendants, who have "flipped" in return for

leniency, or by other routes. The principals will estimate the amount of funds and other resources needed to support the case.

If the case is accepted, the principals will design a preliminary strategy to handle special operations and/or the need for special equipment or space. Case management policy should be placed in writing, stating the priority that will be given to targets and their prosecution. In many instances, the ability of an offender to move the investigation deeper into the network may take precedence over prosecution. The existence of written policies and priorities are essential for good coordination and communication. Because extensive investigations require long-term commitments with uncertain success, few cases are accepted in any given year. Based on our survey, the median length of investigations in Attorneys General Offices range from 2 months to 48 with the typical case lasting 6 months. For local prosecutors, these range from to months

#### **Availability of Resources**

Obtaining *personnel resources* is cited as the number one impediment to the investigation and prosecution of complex cases. Complex cases usually need to be supported by a team which ideally includes five different skills: attorney, investigator, accountant, analyst and secretary. In some offices, attorneys knowledgeable in complex prosecutions, trained in wiretaps and net worth analysis may already be available, operating out of special units created for organized crime or major offender cases. If these units are not in existence, attorneys may have to be drawn from existing staff. Eight out of ten local prosecutors reported that the assigned attorney carries two caseloads, a regular one plus the complex case. About half of the Attorney General offices reported that prosecutors carry a routine caseload in addition to being assigned complex cases. Whether an office has the capacity to dedicate attorneys to complex cases is based primarily on the volume of cases in the courts and the workload capacity of the courts and prosecutor. For example, a small office simply may not have prosecutors available for long-term assignments. However, lack of resources is not unique to small offices. Larger offices operating in overcrowded courts may not have the capacity to handle complex cases. Even in Attorney General offices, the median number of complex drug investigations was 10 for the year, a number that has not increased from the past year. Similarly prosecutions only numbered 12 within the year.

**The conduct of criminal investigations has grown so sophisticated that no individual discipline can provide all the necessary expertise.**

*Ronald Goldstock, NY Organized Crime Task Force*

Complex drug cases require other specialized skills not usually associated with routine drug cases. Crucial roles are played by:

*Financial investigators* ( or investigative accountants) as they analyze books and records and search for hidden assets

*Tactical analysts*, skilled in collating and analyzing evidence generated in particular investigations from wiretaps, surveillance, informants and books and records, are needed. Combining link analysis and formal charting with intuition and experience helps make connections and suggest leads that otherwise might be lost in mountains of data.

*Strategic analysts* are also valuable because strategies must be based on sufficient and reliable information. Trained to review broad data bases and analyze trends within areas of actual or potential criminal activity, strategic analysts play a key role in evaluating the appropriateness of particular strategies. Computer systems skills are required to maintain, develop and analyze a variety of data bases.

The key issue is whether there are resources available and whether the case has a high enough priority to warrant the commitment of these resources. The Directory of local prosecutors (Appendix B) developed as part of this evaluation identifies offices that may be of assistance.

A much publicized alternative for increasing the capacity of the system to process complex cases is *cross-designation*. Generally, local prosecutors are designated as assistant U.S. Attorneys (AUSA); although in some instances, AUSA's may be cross-designated as deputy prosecutors. Attorneys General officers rarely use this strategy. The median number of prosecutors or investigators cross designated by the Attorney's General office ranged from none to 1. For the local prosecutor, the median was 1. The ability to move experienced attorneys across jurisdictional lines not only increases capacity, but it may also permit the imposition of more severe sanctions. Another technique for increasing capacity is to contract for special prosecutors if the situation warrants and funds are available.



The practice of cross-designation and/or contract attorneys is not without risk. Cross-designation may cost the local prosecutor an attorney position. Once cross-designated attorneys are trained for Federal court procedures and practices, they may be used so extensively in U.S. District Court that they are effectively lost to the local prosecutor. Contract attorneys present a slightly different problem. These positions tend to be paid higher salaries than appropriated positions to compensate for the temporary nature of the work. When a permanent position becomes available, the trained attorney may not be willing to take a pay cut.

Investigative capacity is another factor in the decision to accept a complex case. If the local police are unwilling or unable to participate in these long-term efforts, then the prosecutor should be prepared to either assign and train its own investigators, or use the resources of the Federal Government. The Federal Government offers a variety of tactics and procedures to augment the investigative capacity of local jurisdictions. One popular one is the *cross-designation of law enforcement officers*. This has two advantages. First, Federal agencies will pay overtime costs for law enforcement investigators, thereby increasing local investigative resources. Secondly, the Federal agencies have more buy money than local agencies or task forces, thereby increasing the power of the investigation. Although conceptually a resource, in practice cross-designation is infrequently used. The median number of local investigators cross-designated is 2; for the Attorneys General it is 0.

On a more informal note, "*borrowing*" is an accepted practice. Shortages can occur in any area. In the investigative area, departments may run out of undercover agents who are not known to the targeted organization; or they may not have an investigator with a particular ethnic background needed to penetrate the organization. It is, therefore, not unusual to find departments "*borrowing*" personnel from other departments in different areas, or making arrangements with Federal agencies to assist them.

Not all offices have accountants and financial or intelligence analysts as part of their staff. The Attorney General fares the best with 50 percent reporting expertise in these areas. For local prosecutors, the highest levels of staff and attorney expertise occurred with asset forfeiture (94 percent stated they had experienced personnel in this area), followed by informant management (85 percent), financial investigations (73 percent) and wiretaps (65 percent).

Under restrictive circumstances, the prosecutor may have to look to law enforcement agencies, task forces, the Attorney General or Federal agencies for assistance. Adequate support staff is critical to the investigation and prosecution functions. The need for efficient paperwork and

records management systems is obvious given the amount of information and intelligence that is collected. The need for analysts to appraise and compile the information into usable evidence is essential; and the scheduling and timing of events (both investigative and court) requires monitoring by staff to ensure compliance. These needs suggest the types of personnel required: legal interns, paralegals, financial analysts, and administrative and clerical support. Some may be on staff, others may be hired on contract or even serve on a voluntary basis. A viable source for support staff is the military, which may detail clerical staff over for periods up to six weeks at a time. These persons can translate, type transcripts of wires and file information. Because they are military, security is minimized. Some staff even may have top secret clearance.

*The availability of funds, especially buy money, is another major consideration for case acceptance. Of equal importance to buy money are funds for personnel, space and equipment. In seeking funds, the rule should be to tap alternative sources other than appropriations. Among these sources are: Federal grant funds* such as the state block grant funds from the Department of Justice, and funds received by the state from other federal agencies such as the Departments of Transportation, Housing and Urban Development, and Health and Human Services.

A primary source, if it is available, is the proceeds from *asset forfeitures*. These funds may come from either Federal adoptions or state distribution formulae. Prosecutors are in an enviable position if state statutes enable them to share in the proceeds from forfeitures. If this is not possible, then it may still be possible for the law enforcement agency to contract for prosecutorial services.

*Restitution, fines and fees* are other areas that may produce needed money. With appropriate legislation, it may also be possible to obtain additional funds through *sales taxes*. In 1989, Jackson County (Kansas City), MO voters approved a one quarter of a cent increase in the local sales tax to be used by the criminal justice system to fight drugs and drug-related crimes. This tax yields estimated revenues of about \$15 million a year. Finally, *in-kind or cash contributions* can also be sought from major corporations, business partnerships or other stakeholders in the effort to abolish drug organizations.

The justification for seeking additional funds outside the appropriation process (or even within it, if necessary) is that it will probably be a one-time effort. It is likely these cases will become revenue-producers particularly as assets are traced, seized and forfeited. The Jefferson Institute's evaluation of asset forfeiture programs found that all the pilot programs provided with start-up, seed money from the Department of Justice had recouped the initial investment

and more within the first year of operations. (Jacoby et al, 1992:19). For example, Colorado Springs Metro VNI task force received \$105,000 in federal grant funds. At the end of 12 months, it had *net* forfeitures of \$615,000. Similarly, the \$125,000 seed money received by Tucson's MANTIS produced net forfeitures of \$825,000 by the end of the first year. The task of finding seed money may only be necessary once.

### **Other Factors**

In addition to the need for funds and resources, the decision to accept complex cases for investigation and prosecution also considers such factors as: (1) the number of complex drug cases that can be handled by the office; (2) the priorities and commitment of the law enforcement agencies; and, (3) the types of trafficking networks that exist in the area. If a commitment by police and investigators exists, then with prosecutorial involvement and support, it is likely that broader and wider ranging investigations will be undertaken because as the experience of the investigators increases, their ability to plan and execute operations produces more successful outcomes.

The type of trafficking network or illegal activity is a major consideration since some types may demand more investigative resources than others, different levels of evidence and more complex litigations. For example, money laundering and financial transfers require a different type of investigation and level of activity than a drug distribution and sales network. If the investigation and prosecution is accepted by Federal law enforcement agencies and the U.S. Attorney's office, the local prosecutor may avoid significant costs. However, the risk attached to Federal referrals is that, too often, cases may fall through the cracks unless the local prosecutor accepts responsibility for their prosecution.

### **Special Requirements**

Complex drug prosecutions often require special, and costly, operations, space or equipment not included in either a law enforcement agency's or prosecutor's budget. How these operations can be conducted without substantially reducing available funds is an issue for early consideration. Again, it is necessary to look to outside sources for assistance.

Special equipment used in investigations and even litigation such as aerial photography or surveillance, laboratory and forensic tests, night vision tracking, and three dimensional photography or expert witnesses may be too expensive, sophisticated or complex for the

budgets of local law enforcement agencies or prosecutors. Therefore, the resources of the Federal government should be examined to identify what is available and what can be used. In many cases, Federal law enforcement agencies are able to provide assistance to state and local authorities. Another source is the military, particularly the National Guard units (air and ground) which will lend equipment or personnel, or actually conduct some of the operations such as aerial surveillance or photography. Also important may be the Treasury Department, U.S. Postal Service, Customs and Immigration and Naturalization Service, the Internal Revenue Service and other agencies with regulatory authority. If the type of equipment needed is more ordinary, like computers, plotters and scanners, asset forfeiture funds could be used to assist in making purchases. The burden imposed by some of these special operations can also be reduced by using street level law enforcement personnel after they have been oriented and trained. State agencies, both police and Attorneys General, also are sources for assistance.

Many undercover investigations require field offices or observation posts. To conserve funds, this space may be donated by other public service agencies such as fire departments, highway or street repair facilities, airports, schools etc. Additionally, the private sector may be able to assist with the donation of private office space or street front stores. And again forfeited property might be converted to these purposes.

In the real world, the question of whether to proceed comes down to a simple policy decision: if you have the political will to do it, then you do it.

#### TYPE OF ORGANIZATIONAL STRUCTURE.

The organization to support the investigation and prosecution of complex drug cases typically takes one of four forms. (1) At the simplest level, no separate organizational unit is created. Cases are simply *assigned to individual attorneys* when they are accepted by the office. (2) Next on the organizational continuum are *separate units or teams* which may be established on an *ad hoc* basis for a particular investigation, or may be a permanent part of the organization. (3) *Permanent units* may take one of two forms: a drug prosecution unit which handles all drug cases including complex ones; or an organized crime (rackets) unit which handles all complex cases including drugs. (4) Farther along the continuum are *task forces* containing personnel detailed from several agencies including the prosecutor's office.

For the most part (about 60 percent), local prosecutors tend to create a separate unit sometimes operating independently within the office, and to a lesser extent within a task force

environment. The selection of a particular type of organization will depend on: (1) the number of cases to be handled; (2) the type of case and the targets; and, (3) the complexity of the case and its expected duration. A single attorney, for example, would not be capable of directing and coordinating a large-scale case without back up assistance and administrative support provided by an organizational unit. Much encouragement has been given by professionals to the use of task forces because of their ability to centralize and control complicated tasks and activities, including planning activities, and reduce coordination problems. There is a down side, however, to task forces that prosecutors should consider. Detailing attorneys or personnel to a task force environment effectively removes them from the office and from the policy direction and control of the prosecutor. The prosecutor also loses flexibility to move these attorneys in response to changing needs and situations. Staff morale also may suffer if the credit for investigations and prosecution is taken by the task force, not the prosecutor's office. Although these negative factors exist, they do not, by themselves, refute the advantages of the task force environment. The extent of the prosecutor's participation in a task force environment is clearly a policy decision that needs careful consideration.

#### ROLE OF THE PROSECUTOR IN INVESTIGATIONS

About one half of the complex drug cases are referred to the local prosecutor by the local task force. Another 40 percent is referred by the local police. Only rarely are cases referred by state or Federal agencies. Few (15 percent) are initiated by arrest. The implications are that most prosecutors, most of the time, are involved in the investigation phases.

Prosecutors may choose from a variety of investigative roles stretching over a proactive-reactive continuum. The minimal, *reactive response* is the least productive or helpful in complex cases because they require intensive police/prosecutor coordination during the investigation and case preparation stages. When prosecutors adopt a reactive stance, taking a case after arrests have been made, they lose the ability to assist in protecting or even enhancing the evidence.

Some prosecutors *monitor the investigative phases* to keep up-to-date. This tactic has the advantages of allowing them to keep abreast of the investigative progress of the case, and to move quickly when the arrests are made or indictments sought. At the same time, it delays the impact of these cases on prosecutorial personnel and other resources until for as long as possible, thereby preserving scarce resources. Under these circumstances, one assumes that the investigations are conducted by agencies outside the prosecutor's office.

possible, thereby preserving scarce resources. Under these circumstances, one assumes that the investigations are conducted by agencies outside the prosecutor's office.

Prosecutorial activity is expanded when prosecutors are involved in the *strategic planning for the investigations*, participate in the decisionmaking process about investigations and arrests, and coordinate investigative activities with prosecutorial needs. As part of the strategic planning process, both investigative and prosecution decisions become more flexible and more options are created. This is a very powerful strategy for prosecution.

Finally, at the far end of the continuum are prosecutors who *assume policy direction for the investigative phase*, and monitor the tactical aspects of the investigation thereby making the operation consistent with prosecutorial goals and objectives.

As the ability of the prosecutor to anticipate and prepare for cases increases, the likelihood of successful outcomes and less disruption to normal operations is also increased. *Anticipatory prosecution* is a strategy that forecasts the next and future steps in the prosecution, and prepares for them before they occur. The closer prosecutors are to the strategies and tactics employed in the investigative stages, the better they can prepare for the litigation stages of the prosecution.

Independent of the role of the prosecutor in investigations, it is essential that a consensus be reached between the police and the prosecutor regarding the expected goals and outcomes of the case, and the roles each will play in reaching them. Law enforcement needs to be sensitive to the demands of the litigation, and recognize that the prosecutor has to retain control of critical elements of the investigate stage that affect litigation. This is not always an easy task. But it can be achieved if each participant recognizes and defers to the expertise of the other; and each recognizes that their roles will change depending on the type and phase of the investigation.

#### CRITERIA FOR LEGAL FORUM SELECTION

Since a complex drug case has many parts, it generally results in a number of defendants and court cases. Some of these court cases may be prosecuted in Federal courts, others in local criminal courts, and others in civil courts particularly if asset forfeiture or civil RICO are choices that are available. The linkage between the civil and criminal components is important. Segregation of criminal from civil procedures should be maintained so that the settlements of criminal cases are made independently of civil. In this way, the accusation that wealthy defendants are buying their way out can be avoided.

Because of the many forums available, criteria should be established early on to guide the decisions about forum selection.

**FACTORS INFLUENCING LEGAL FORUM SELECTION**

**Obtaining maximum sanctions;  
Speedy processing times;  
Deeper penetration of the organization;  
Inflicting the most damage on the network or organization;  
Resources available from the state Attorney General, and  
Existing US Attorney's criteria for adoptions.**

For prosecution the ability to meet the criteria depends on a number of considerations including:

**1. The admissibility of evidence in parallel proceedings and different forums.**

Two examples are: grand jury information cannot be used in civil cases; and, the testimony given by witnesses in civil proceedings may be precluded from criminal court.

**2. State and Federal search warrant requirements.**

The state's requirements may be more restrictive than Federal which may create problems in state courts when the results of Federal investigations are to be introduced as evidence.

**3. The rule regarding discovery.**

Florida, for example, has liberal, open disclosure which gives preference to Federal prosecutions. An important consideration is what discovery can you get?

4. Policies and procedures governing immunity, and the disclosure of informants.

5. The procedures governing preliminary hearings.

For example, if credible hearsay is allowed, more protection can be given to the informant's identity.

6. Differences in sanctions and sentencing.

Especially important are statutes that provide for mandatory minimums (e.g. gun laws and drug free school zones), the maximum times that can be imposed, and the availability of sentencing guidelines.

7. The type of legislation for financial investigations and asset forfeiture.

For example, restrictive state forfeiture laws that do not allow for the seizure of real property or the proceeds from illegal activities, force cases to Federal courts. Almost two thirds of the local prosecutors referrals to the Federal Government were due to poor legislation. Only 20 percent were due to a lack of resources.

8. The court's willingness to process complex drug cases.

Cases generated by the Attorney General may consume from 2 to 12 months of prosecution with the typical case lasting 6 months. For local prosecutors, the impact on the court is not dissimilar.

## MEASURES OF SUCCESS

Traditionally success is judged by the number of arrests, indictments and convictions. Numbers alone are not an appropriate measure of effectiveness in dealing with organized crime, rackets and complex drug trafficking cases. The pressure to produce quantity rather than quality can badly distort tactical and strategic goals.

The primary measure of program success is how well it has been able to meet or approach its goals. For complex drug prosecutions, the goals relate to the penetration of the network, conviction of the leaders and lieutenants, and damage to the network. But most investigations extend over long periods of time with convictions in one case merely extending the investigation even further. Therefore, how does one measure success? As one prosecutor said, "In small



steps". Each conviction leading to a deeper penetration, turning up new informants, yielding new intelligence, are small steps taken along the road to success.

Despite the pressure to call a press conference, the more productive step may well be to maintain secrecy, permitting the person from whom the contraband was seized to cooperate in achieving the ultimate goal of the investigation. *Ronald Goldstock, NY Organized Crime Task Force.*

The fact that there is no single measure of success in these cases is partly due to the goals emanating from the different jurisdictions of the agencies involved. The Federal government may seek interdiction by sealing the borders; the state may attempt to curtail money laundering; while the local prosecutor may seek to protect the public and improve the quality of life for future generations of children in a community by empowering other institutions such as schools, in addition to damaging or displacing a drug distribution network.

For the more narrow goals of prosecution, success can be measured by a variety of factors:

1. the *arrest and conviction of the target* and lieutenants and the seizure of their assets;
2. the *scope of the impact on the organization*, which indicates the extent to which the network is damaged or displaced. This result is observed when the principals involved are no longer active, and their names are no longer known on the street;
3. the *impact on the neighborhood*, which indicates a reduction in drug trafficking; when related crimes such as soliciting and burglaries decrease; and when the quality of life in the neighborhood improves.
4. obtaining a *higher level of knowledge and information* about the organization; or being able to reach a higher level of the organization through an informant.

Some secondary measures may also indicate movement towards the ultimate goal, such as an increased difficulty in obtaining drugs, and a higher price for the drugs that are available. (If

DUF statistics are available, they can be a convenient source for monitoring changes of the drug market).

#### ROLE OF FEDERAL, STATE AND LOCAL PROSECUTORS

The delineation of goals and objectives clearly show differences between Federal, state and local prosecutorial interests. Local government, for example, generally cannot stop drugs from entering the country; they can, however, have a significant impact on street distribution networks. State governments can take a broader view than local governments, looking at trends and regional problems and identifying and tracking new drug syndicates. They have a vital role in situations in which organized crime groups develop around narcotics and pursue the drug trade through one or more regions of the state. This role may be especially important where drugs enter the state in one location intended for distribution in another.

Federal priorities relate to interdiction and the business of international cartels. They may or may not have an influence on state and local efforts. However, it is possible that some influences will be detrimental to state and local investigations. They may contradict state and local priorities, for example; result in cases falling through the cracks because they do not meet Federal case acceptance criteria; and, be unmanageable due to differences in legal and evidentiary requirements. A state-wide or regional approach may be required if investigative responsibilities cross county lines to protect the case from possible shifts in Federal priorities.

Yet, in reality, the roles are not so clearly identifiable. There is little perceived duplication of effort in prosecution. Twenty percent of the Attorney General offices reported duplication of effort; and 30 percent of the local prosecutors saw duplication. However, the perception changed for investigations. For example, half of the Attorneys General offices reported duplication in investigations; and 49 percent of the local prosecutor agrees. The issues that these differences create need to be addressed and resolved. Clearly it is important to have cooperation between these different agencies, but it is also obvious that today much needed cooperation is lacking. There are different roles for Federal, state and local agencies to play, and more than enough in each case to keep them busy.

Ronald Goldstock, Director of the New York State Organized Crime Task Force, has articulated the dimension of the conflict and the need for a coordinated response among all levels of government. He notes that when multiple agencies band together in joint investigative undertakings, conflicts in mission and direction are inevitable. Such conflicts can breed

confusion and mistrust and result in turf wars which jeopardize the best interests of the investigations. Turf problems are difficult to overcome when they are not a product of rational policy but based on historical and political anomalies. There are clear advantages to cooperation among agencies with different jurisdictions. Each has a body of knowledge, a collection of resources and personnel, and a substantive point of view to contribute (Goldstock, 1992).

**Strategically, if a serious effort is made to establish common priorities in the investigative planning process, parochial perspectives can be questioned and rejected in favor of broader goals. Tactically, police and prosecutorial agencies will then have available the specialized knowledge and skills of agencies with strengths which can be complementary.**

*Ronald Goldstock, NY Organized Crime Task Force.*

One of the clear benefits of an articulated coordination policy is the flexibility it brings to the case because there is access to more than one set of statutes and jurisdictions. For example, search warrants or wiretaps can be procured in the jurisdiction having the most advantageous procedural rules, and prosecution can take place in the jurisdiction providing the greatest chance of success and the broadest scope of punishment.

Yet, work clearly needs to be done in developing methods to take advantage of the opportunities and minimize the disadvantages inherent in the multiplicity of agencies and jurisdictions involved in complex drug cases. In the short run, i.e. in the context of a particular investigation, thought must be given in the investigative planning process to involving those agencies with appropriate jurisdiction and expertise, avoiding the pitfalls of such joint efforts, and maximizing the contribution that each agency can make.

In the long run, cross-designation and the use of Law Enforcement Coordinating Councils (LECC's) may help state and local prosecutors gain an understanding of the Federal perspective and procedures which would increase their investigative potential and prosecutions. Conversely, Congressional attention should be given to thinking through the need for the current multiplicity of Federal agencies having overlapping jurisdiction, and the increasing trend to legislate concurrent jurisdiction with state criminal activity.

There is growing concern by criminal justice and local government experts about the potential consequences of the Federalization of local responsibilities (Goldstock 1992; Watts 1992). The enactment of Federal legislation which has concurrent jurisdiction with local statutes provides local agencies with a plausible excuse for continuing to avoid particular areas, and therefore, not be held accountable for outcomes. As a result, over time, local agencies may become incapable of doing certain tasks and find themselves without the expertise and resources needed to perform some of the work that they should be doing. The eventual outcome is a weakening of the first line for defense that can be establish against illegal activities, and a deterioration in public safety, respect for the law, and trust in the ability of government to support them

The Federal government and Congress has the ability to make a difference if it is sensitive to these unintended consequences, recognizes the special coordination needs and problems associated with them among the different levels of government, and takes a strong role in educating representatives of state or local agencies in special areas of investigation and prosecution suited to their roles.

#### CORRUPTION AND ETHICAL CONSIDERATIONS

Complex drug cases spotlight two other sensitive issues involving the potential for corruption and the ethical limits of investigations and prosecutions. The potential for corruption is ever-present in long-term undercover operations. Therefore, sensitivity to this and the development of special precautions are critical to the safety and success of the investigation. In addition to the routine clearances and monitoring procedures applicable to all criminal cases, there is a special need for accountability and for limited spheres of knowledge. Designated personnel should be held responsible for each decision or action to provide for accountability. Additionally, by limiting the amount of information and knowledge given to each person connected to the investigation, the probability of total compromise is diminished.

Complex drug cases present police, prosecutors and legislators with policy decisions not normally encountered. They also raise potential ethical conflicts when these parties are asked to assume other roles and seek different goals. For example, arrests and convictions are equated to justice goals; damaging the network is a social goal that may compromise justice goals especially when it is necessary to flip an informant for deeper penetration or to reach a higher level of organization.

In light of this paradox, when should justice goals be sacrificed to go up in the organization; should counterfeit crack be offered for sale by law enforcement officers, not to arrest users, but to lessen demand and discredit a network? When do you sacrifice the goals of prosecuting all crimes equally for the improvement of social good? There is a symbolic civilized factor in society that reassures its members that crime is not condoned. The criminal justice system, at the same time, has to demand respect for the law and ensure the equal application of justice to all.

**When prosecutors decline complex cases because they do not have resources, it is important that the public be made aware of this fact and that this does not mean they are condoning criminal activity.**

*Mark Faull, Pima County*

## **CHAPTER 6. INFORMATION SYSTEMS TECHNOLOGY TO SUPPORT COMPLEX PROSECUTIONS**

### **INTRODUCTION**

The successful investigation and prosecution of organized crime very often requires the use of computer technology. Organized crime is distinctly different from ordinary street crime in that it is a part of a continuing criminal enterprise which is set up for the express purpose of conducting illegal activity. In general, organizations operating as criminal enterprises will be involved in one or more of the following activities: 1. providing illegal services; 2. providing illegal goods; 3. infiltrating legitimate businesses. Thus, the work of the organization may encompass distinctly illegal activity such as the manufacture and distribution of controlled substances while at the same time, operating ostensibly legitimate business such as hotels, restaurants, and construction companies. The relationship between illegal and legal activities are masked but integrated to the benefit of the organization. The nature of the illegal activity spans a host of options including drugs, consumer fraud, environmental crimes, money laundering, elaborate stock and property swindles, corruption of public officials, and copyright/patent infringement.

These crimes share a number of common characteristics:

1. Much of the activity is well-concealed;
2. Once detected, it requires extensive investigation before charges can be brought against any but those at the bottom of the organization;
3. The investigative techniques are probably going to be sophisticated and complex, requiring significant expertise and lengthy investments in resources;
4. The evidence developed will be subjected to serious challenge in the courts because of the way it was obtained (many times by wiretaps and electronic surveillance);
5. The evidence in many cases will be circumstantial or will have to be used indirectly to prove the elements of the crime;
6. The legal representation of the defense will usually be quite strong.

Given the complexity of the relationships involved in organized criminal activity, the complexity of the investigations, and the complexity of the legal issues and proof required, computer technology can be invaluable in managing, manipulating and displaying the information collected during the life of a case. Computer technology has been used effectively to

combat organized crime in several different ways including detection, investigation, and prosecution of crimes. Money laundering, for example, has been detected by linking cash transactions that taken alone would not attract the attention of the authorities. Such transactions might include purchases of cars or other large price items, deposits in banks, or movements of currency through customs. A single transaction falling under the reporting requirements might not be significant, but computers can link the same person/company doing multiple transactions or even associated persons carrying out such transactions. This is particularly important if multiple agencies are involved in the collection of such information; there are a large number of transactions or many places that such a transaction can occur; or when the illegal activity and the legal activity are part of the same organization.

**Organized criminal activity** has long been a focus for computerized investigation. The primary problem is to determine if links exist between individuals and/or business enterprises. Linkages are developed through the analysis of telephone calls where both phone numbers are known, through an analysis of correspondence, or from reports of personal contacts. In many cases the linkages are deliberately kept remote. It is only through extensive computer analysis that the relationships between seemingly unconnected parties can be made and the true extent of the criminal organization can be found.

**Fraud** is another area in organized crime in which computerization can have tangible benefits. Fraud is usually a complex case to detect, investigate, and prosecute. Activities range from attempts to illegally receive payments from insurance companies by bogus claims, to sophisticated stock and bond manipulation schemes. In many cases criminals attempt to cover their tracks by setting up a network of dummy corporations; in others it may simply require the opening of multiple bank or brokerage accounts. In either case one has to track the transactions, both money and paper, in order to prove wrong doing. A computer can be a practical way of conducting such an analysis.

**Environmental crime** is an even more recently discovered area for organized crime. Seemingly legitimate companies contract with other legitimate companies to dispose of hazardous waste at market prices. Those market prices reflect the true cost of safely disposing of the waste. The environmental company charges market prices and then proceeds to dump the waste in the cheapest possible manner with utter disregard for the consequences. The investigation of such matters involves the tracking of material from its disposal site to the originating site in order to find the disposal company. In many cases that trail can be followed more efficiently with the aid of computer technology.

All of the situations mentioned above are difficult cases to prosecute. They are difficult because they involve many witnesses, usually a very large number of documents, and in many cases a sophisticated legal argument. To manage such a case manually is possible. But the use of computer support to manage the prosecution of the case is invaluable. There are many other areas in which the computer can play an effective role including computer crime itself and cases which must analyze financial data taken from the criminals own computers. Criminal justice administrators must be familiar with these "weapons" if they are going to effectively combat organized crime.

In order to effectively develop and apply these computer-based weapons against organized criminals, it is important for senior managers to be aware of the more general problems of developing and implementing computer-based solutions in criminal justice systems around the world. Unfortunately, the literature on the application of computer technology to complex investigations and prosecutions is mostly limited to articles and reports. However, citations and references have been included in the bibliography. The economic integration of the world has fostered enormous changes in the way honest businesses relate to each other. No doubt the same can be said for the organized criminals of the world. The ability to exchange data, share technology, and transfer procedures between criminal justice systems will be greatly enhanced as we find more standardization.

#### TYPES OF INFORMATION SYSTEM USES

There are two types of uses for information systems that support complex drug prosecutions: one are systems that support databases and tactical intelligence; the other are systems that are created for information managers and strategic intelligence. (Potter and Ahmann, 1992). Law enforcement collects information for both. (Godfrey and Harris, 1981; IACP, 1975). Tactical intelligence is directed at specific individuals and is used for their apprehension and arrest. *Tactical intelligence systems* generally require a relational database system, such as D-Base or R-Base, to store and index information. The use of these types of systems requires careful planning and the analysis of the data base so that all its future uses can be anticipated. Most tactical intelligence data bases use the following relational files: (1) name indices; (2) alias indices; (3) address indices; (4) telephone number indices; (5) auto license indices; (6) biographic indices and (7) location indices. (Potter and Ahmann, 1992:2-3).



*Strategic intelligence* is broader in scope. It "identifies trends in criminal behavior and illegal markets that are developing and which isolates partners in existing criminal activity which may lead to more effective law enforcement interventions." (Potter and Ahmann, 1993:2). The information systems supporting strategic intelligence analysis are more complex and usually require database management systems and an information or DBA administrator to support them.

While the task of encoding information will undoubtedly continue, new tools are making it possible to analyze textual information without having to encode it. To use "raw" text data, some way of getting it into the computer is needed. If the text already exists in a word processor there are only a few difficulties to overcome. If the documents exist only in paper form the task requires a different approach.

One input device to perform this task is the scanner. A scanner essentially takes a picture of the document which is great for display but is useless for analysis. In order to convert the pictures of the characters on the printed page to characters in the computer, optical character recognition or OCR is used. This technique, like the human eye, recognizes the shape of each letter of the alphabet. After the scanner reads a page into memory, the OCR software scans the image looking for characters it recognizes. It writes each character found into another part of memory, and marks each item it could not recognize for editing by humans. While this process is only 97% accurate, it is much faster than typing the entire document.

After the documents have been read and edited, they are still not useful. To use them, they must be read into text database software. This type of software can use coded fields just as any standard database can, but it has another capability. It can efficiently search text without any coding. Thus, without going through the tedious coding effort, we can obtain useful information from the documents. For example, if an investigator wants to know if the name Jones occurs anytime within ten paragraphs of the name Smith, a search for the existence of a particular word or organization name can be made.

Since these techniques use unstructured and undefined information, it does not require fields, data entry codes and the definition of data types. One such system is AskSam which supported some of the investigations into the Iran-Contra scandal. It is in the area of strategic intelligence that some of the more advanced applications for information systems can be found.

The following sections, present a brief overview of the most commonly used applications supporting either tactical or strategic intelligence systems.

#### OVERVIEW OF APPLICATIONS SUPPORTING COMPLEX DRUG CASES

Compiling information and accumulating pieces of data, no matter how extensive or detailed is not sufficient for intelligence purposes. A set of analytical techniques are needed which use this information for specific purposes. Some of these applications are widely known, such as Link Analysis; others are newer and more experimental such as expert systems and artificial intelligence (Ratledge and Jacoby, 1989). All are vital to investigations and prosecutions.

#### Link Analysis

In order to detect and successfully prosecute organized and financial crime, it is necessary to employ techniques beyond those used for street crime. The basic problem is one of linkage. Criminals go to extremes to hide their activities. They do this by disguising their behavior. The disguises adopted by financial criminals usually involve introducing layers of people and/or companies between the illegal act and themselves, the ultimate beneficiary of the activity. In order to disrupt the organization, it is necessary to attack those who organize and perpetrate the crime. To do this, one must first discover their connection to the criminal acts. That is the role of link analysis.

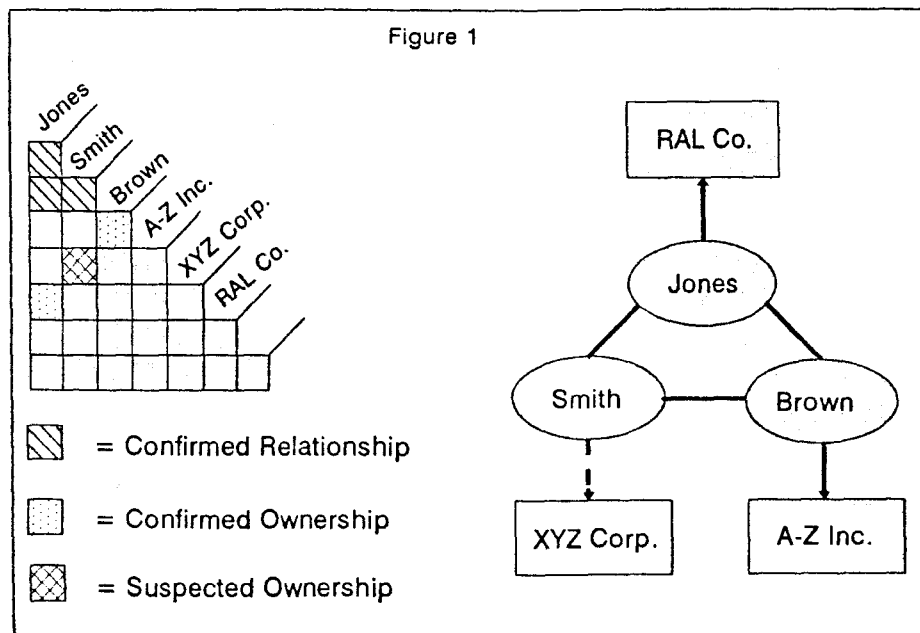
Link analysis is a technique used to graphically display the relationships between both people and organizations involved in some suspect activity. Its purpose is to create clarity where deception exists. The idea is quite simple.

Any investigation begins with the collection of information. The sources may be quite diverse. Information may come from surveillance teams, field contact reports, interviews, financial records, wiretaps, and speaking documents such as letters and memoranda. While this information is diverse, the key information for this analysis is the link between people and companies.

The first task is to develop an association matrix. An association matrix is a tool that defines the known or suspected links between people and companies on a pair-wise basis. For example, it may be known that Mr. Jones plays golf with Mr. Smith and Mr. Brown every Wednesday afternoon. In the association matrix, there will be an indicator placed at the intersection of those

two names and that indicator will be strong since there clearly is a relationship. Mr. Jones is the head of Jones Laundry Services. At the intersection of Mr. Jones and a separate entry for the his company a different symbol will be placed indicating ownership. The same symbol will be placed at the intersection of Mr. Jones second company, A2Z Car Rental. Mr. Smith is an officer of A2Z Car Rental. It is clear now that the relationship between Mr. Jones and Mr. Smith is something more than recreational. In contrast, the relationship between Smith and Jones and Mr. Brown is still not clear. Only the golf game provides a linkage and that could still be recreational. A further analysis of the financial records shows large non-specific payments to a Mr. Caplan. In the association matrix, it shows that Mr. Caplan is a vice-president for First National Bank. Upon further investigation, we note that the president of the First National Bank is Mr. Brown.

An example of an association matrix is found in Figure 1. The figure shows the relationship between Jones, Smith, and Brown and three companies. The circles indicate a confirmed relationship between the three individuals. The full arrows indicate confirmed ownership between that person and the company linked to that square. The arrowhead alone is a method of showing suspected ownership. Other symbols can be introduced later but the basic methodology is the same, that is, describe the relationship if any between two persons or companies. The matrix is then redrafted in the form of a diagram which is shown in the lower half of the figure. Note that the solid lines indicate ownership and the dashed line shows suspected ownership. The solid lines connecting the individuals portrays the confirmed relationship. These lines could also have been dashed if the relationship was only suspected.



In Figure 2, the matrix and diagram for the typical layered ownership. In the matrix, A Inc. owns 90% of B Inc. This is indicated by the arrow pointing in the direction of B Inc. and the number 90 in the square. You can also note that B Inc. owns 85% of E Inc. The full nature of the layering is shown in the diagram.

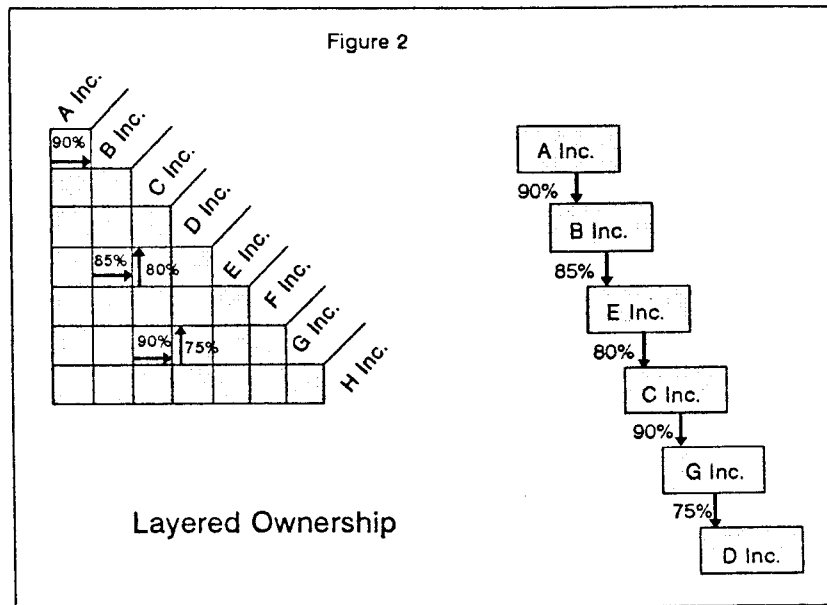


Figure 3 illustrates another pattern of ownership and control. This pattern is that of a holding company. There is a one to one relationship between X Inc. and the other six companies. There is no relationship between any of the subsidiaries as is clearly shown by the matrix and the diagram.

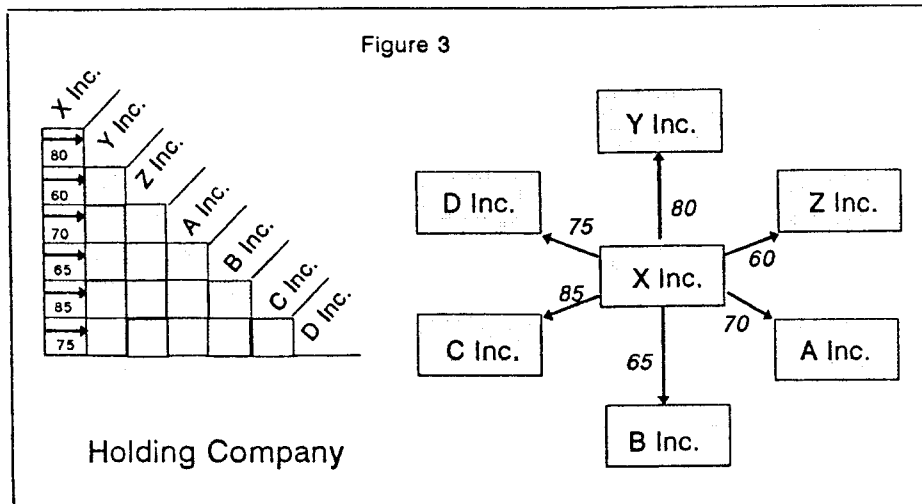


Figure 4 is a more complex case. Ownership and control is exercised by the combined power of two individuals acting in concert as opposed to a single individual or company. Jones and Smith are known associates and together control 90% of A Inc. Smith and Brown are also known associates and they control 80% of C Inc. The diagram derived from the matrix clearly shows the roles of these three individuals controlling all three companies.

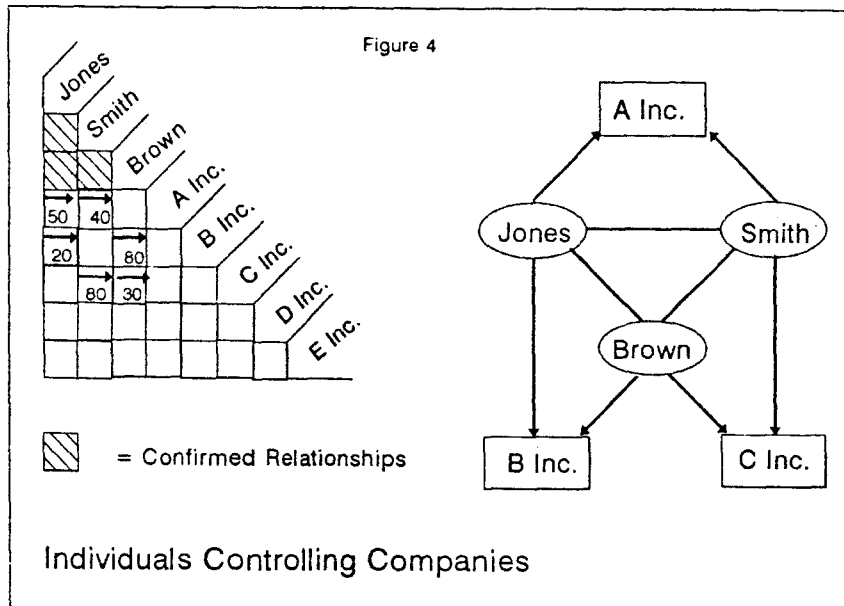
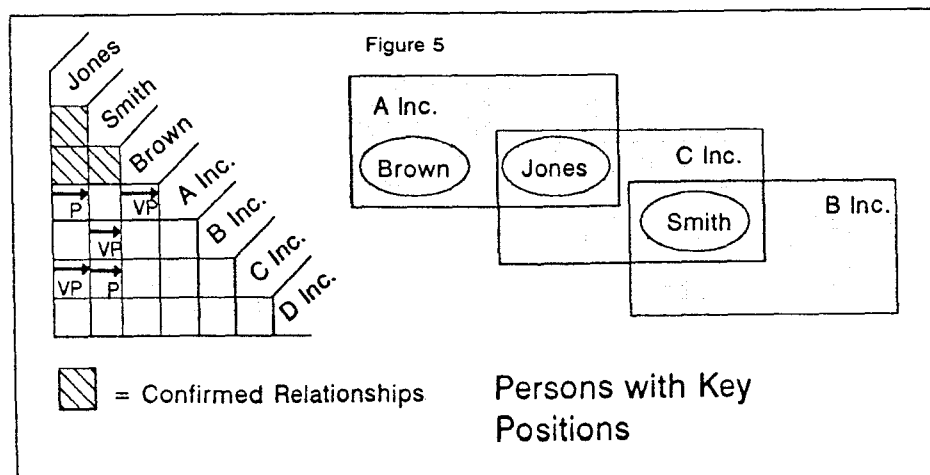


Figure 5 offers still another way of exerting control over a company. Jones is president of A Inc. and vice president of C Inc. His known associate Smith is president of C Inc. Brown, also a known associate of Jones is vice president of A Inc. Together, the top positions of both A Inc. and C Inc. are under the executive control of individuals operating in concert. This is shown in the diagram as overlapping boxes.



There are many more examples of how this type of analysis can be used to reduce the complexity presented by volumes of documents. These techniques can be used manually or can be supported by computer software. In either case the investigator benefits by achieving greater clarity in defining the key relationships in the potentially criminal enterprise.

### **Toll Call Analysis**

Just as we can establish links between individuals and organizations by reviewing documentary evidence and field intelligence reports, we can establish relationships by monitoring telephone activity. Here we are not concerned with wiretap evidence which requires judicial approval but with the use of toll records obtained from the local telephone company, dial recorders, and pen registers. All of these approaches obtain phone numbers called from a particular telephone.

Since many of the calls will be legitimate and of no interest to the authorities, and because there are likely to be a significant volume of calls, a computer is valuable for organizing the information for investigators. The usual information collected by such a system includes:

#### **Typical Information Collected**

- |                     |  |
|---------------------|--|
| 1. ID number        | 9. City  |
| 2. Case number      | 10. State  |
| 3. Phone ID         | 11. For collect calls, third party, or telegrams |
| 4. Date of Call     | a. Area code                                     |
| 5. Time of Call     | b. Number called from                            |
| 6. Duration of Call | c. City  |
| 7. Area code        | d. State   |
| 8. Phone number     |  |

The data can be reorganized in a variety of ways. Examples of useful reports provided by one such toll analysis system include:

1. Calls sorted by each of the elements captured in the system;
2. Calls grouped by number, reporting frequency, minutes, and date range, and sorted by total minutes or by total calls;
3. The frequency of calls by date, time, and location called.

Based on these reports, the investigator can look for patterns that suggest relationships with potential criminal activity. Link analysis described earlier may aid in this effort by combining the toll analysis data from a number of individuals. For example, telephone traffic can be described by arrows pointing away from the company to indicate a toll call going from the company. An arrow pointing toward the company shows a incoming call. The diagram identifies the organization(s) that are contacted the most. The toll traffic also may show that only one company maintains contact with all of the others. The competent investigator sees the possibilities of tying two tools together and using the new intelligence produced by them for further investigations.

### **Financial Investigations**

Unless one is willing to rely solely on cash transactions which are certainly going to draw attention to the individual over time, bank records become a source of potential evidence for linking individuals and organizations; identifying the potential profits of illegal activity, potential assets for seizure, and evidence of money laundering. With access to bank records in a database, financial investigators can more easily identify suspicious transactions and criminal linkages. The records that are the focus of the financial investigator include:

- |                      |                              |
|----------------------|------------------------------|
| 1. Deposits          | 4. Cashier's checks          |
| 2. Checks written    | 5. Wire transfers            |
| 3. Purchase Receipts | 6. Electronic Funds Transfer |

#### **Typical Transaction Information Collected**

- |                             |                      |
|-----------------------------|----------------------|
| 1. Date of the instrument   | 7. Endorsements      |
| 2. Amount of the instrument | 8. Account number(s) |
| 3. Type of instrument       | 9. Bank number       |
| 4. ID #                     | 10. Date cleared     |
| 5. Payee                    | 11. Other notes      |
| 6. Payer                    |                      |

A variety of relatively simple computer operations can make the data more usable. By analyzing the names of payers, payees, vendors, and endorers, the investigator may be able to develop

relationships between people and organizations. Unusual cash transactions and subsequent purchases occurring frequently may be indicative of money laundering.

This data may also be used to determine unreported income which may be of interest to the IRS, and may also be indicative of criminal activity. Net worth analysis may be used to determine if the net worth of the target can not be explained after taking into account reported income and potential non-taxable receipts. Similar results may be achieved by comparing reported income against documented expenditures. A comparison of bank deposits, cash purchases, and cash on hand will also give a picture of unreported and potentially illegal income. If there is clear evidence of the fruits of illegal activity, the assets of the individual may be subject to criminal or civil forfeiture.

Although this type of analysis could be conducted by hand in many cases, the computer makes the work simpler and faster. In addition, reporting from an existing database is much easier than trying to re analyze the data by hand as new questions arise.

### **Document/Evidence Tracking**

Fraud cases are known for being difficult to prosecute. Often the difficulty arises not from the complexity of the case but from the sheer volume of documents that have to be examined and processed. The health care system is a good example of this problem.

In Medicaid or Medicare fraud, there are several ways in which fraud is committed. Among those actions are: (1) billing the government for services and products not received; (2) billing the government for a different type, quantity, or quality of services or products than were delivered; (3) billing the government for services or products delivered at more than the actual cost of delivery; or, (4) billing the government for services or products that were not needed;

While all of these cases are relatively simple thefts, the volume of documents necessary to prove the fraud beyond a reasonable doubt can prove awesome. Even though it is only necessary to prove that some fraud was committed, experience shows that to obtain a conviction, the evidence has to be simplified, organized, summarized, and developed into a visual display for use in trial. Evidence tracking systems are designed to help the prosecutor in all of these areas.



An evidence tracking system assists in the following ways:

1. It identifies those violations that have the most and best evidence and thus the best probability of a successful prosecution;
2. It organizes evidence according to:
  - a. a particular violation or series of related violations;
  - b. date to show patterns of conduct over time;
  - c. associations of people and companies;
3. It isolates evidence within a particular time period;
4. It identifies documents of key importance in the prosecution;
5. It relates documents that apply to any given witness.
6. It simplifies access to any given document through a locator system;
7. It summarizes and displays the evidence.

With respect to this latter point, if there are a large number of forms or checks, the system can provide counts or totals. Such totals show the true impact of the fraud and are more effective than introducing each of many documents. Similarly, computer listings of documents showing selected information from a large number of documents can be more effective than the actual documents. This is particularly true where the chronology of these documents is important.

Evidence tracking systems also provide statistical or analytical information that is not obvious from single documents. The fact that more hours were billed in a given day than exist is damning evidence in fraud cases. Computer systems also may provide flow charts that summarize events, activities, and processes that would otherwise require draftsmen.

These benefits from automation can be substantial if the problem is always in scale. In many cases, the size of the case may not warrant the additional cost of developing a complete document tracking system. When this occurs, manual methods may suffice. Automated systems require extensive preparatory work. Decisions are required about the type and scope of documents to be included in the system. Screening reports usually use several criteria including, among others: the date of the document; organizations involved; or persons mentioned. The attorneys involved in the case generally decide upon the criteria after conducting a general review of the documents available.

The databases supporting evidence tracking systems are generally divided into text documents (for example - memos, letters, contracts) and financial documents. The data elements of interest

for financial documents are the same as those in the financial investigations section. The key parts of those records will be extracted and placed in the litigation support system prior to trial. For text documents, the typical data elements extracted for entry into the computer system include but are not limited to the following:

**Typical Text Document Information Collected**

- |                            |                            |
|----------------------------|----------------------------|
| <b>1. Document number.</b> | <b>5. Author</b>           |
| <b>2. Document type.</b>   | <b>6. Recipient</b>        |
| <b>3. Document source.</b> | <b>7. Copies</b>           |
| <b>4. Document date.</b>   | <b>8. Subject code(s).</b> |

In addition, those documents that are to be introduced into evidence and are associated with a particular defendant will be marked in additional fields as well. This computer-based approach allows the prosecutor to immediately recall the appropriate documents for direct or cross examination.

It should be clear from these lists that there is much preparatory work to be done in order to automate a case. This is the reason that an assessment must be made about the relative costs and benefits of using a computer-based system. However, even if automation is not warranted, the logic and organizational components of this system apply to the manual system which will support the litigation. Any complex investigation must use all the tools at hand. Lawyers may be more comfortable working with documents, while financial investigators will use other techniques. In the final analysis all of these tools will likely be used in prosecuting organized crime.

### **Criminal Intelligence Systems**

In contrast to offense recording systems which focus on crimes that have been committed and persons who committed them, the criminal intelligence system is concerned with patterns of individual and organizational activity that may be criminal. Data of this type is rarely placed in the larger criminal justice information system. It is collected from many sources, checked for accuracy, organized in a way that the investigator can use it, and is analyzed for potential use in bringing formal criminal charges.

Most criminal intelligence systems divide data into two linked categories, information about individuals and information about organizations.

*Information about individuals* usually includes a broad spectrum of data. First, is the usual personal information such as sex, race, date of birth, marital status, names of spouse and children if any, and employment history. If there is a record of criminal activity, this also be part of the database. To this is added information about property and vehicles owned. The latter is particularly important, if it is to be matched to field observations noting where the car was seen. Of particular interest is their associations. Each associate should be identified by name, criminal relationship if any, and other helpful and identifying information.

*Information about organizations* is somewhat different. Its aim is to identify the nature of the criminal activity to which the organization has been linked. The officers and other key persons of the organization must be identified. Vehicles owned or leased by the company are also be part of the database.

With this information in the database, many different searches become possible. If surveillance has indicated a particular car was seen parked at or near the home or company of a target of investigation, the investigator can check the database to see if it belonged to an individual or company of interest. With the person's name, a search can be made to find out if they are an officer or key person in an organization suspected of criminal activity. The results can then be used with link analysis to begin to understand the overall structure of the conspiracy. If relationships are uncovered, it may be valuable to look at their phone records or install dialing monitoring equipment. When the strength of the relationship is strong enough, there may be a need for financial analysis. The criminal intelligence system is the key source for information that goes into many of our other analytical tools. The better it is, the more likely it is that the criminal organization can be penetrated.

### **Cooperative Arrangements for Money Laundering**

International money laundering has sparked the initiative for a cooperative information system design to detect and prosecute those individuals or organizations involved in money laundering. In some cases, money laundering means transferring money outside the country in which the "dirty" money was obtained. In others it means using banks in many parts of that country. In either case, it is imperative that information flow across these boundaries to clearinghouses that can properly detect illegal transactions from normal commerce.

The most recent approach in the United States is the creation of the Financial Crimes Enforcement Network or FINCEN. This organization was created by the Secretary of the Treasury and is headed by a former high-level investigator for the Internal Revenue Service (IRS). According to the director, FINCEN's mission is to obtain access to and/or collect all available and relevant financial information. With that information, FINCEN is expected to analyze, target, and disseminate information to support police and prosecutors in their attempts to detect and prosecute money laundering and other financial crimes. FINCEN expects to help all levels of government including Federal, state, and local government disrupt and dismantle money laundering and drug trafficking organizations.

FINCEN is creating a database of financial information that is otherwise unavailable to other law enforcement agencies. The sources include, but are not limited to, Bank Secrecy Act information, currency transaction reports (CTR), and declarations of cash collected by the Customs Service (CMIR). In addition, information collected by state and local authorities through search and arrest warrants and, financial information discovered during searches and seizures will be added to the database. This should, over time, provide a comprehensive national database to assist law enforcement. Using the database and "smart" software (expert systems), FINCEN will be able to monitor large currency transactions in the Federal banking system and determine if such transactions could involve illegal proceeds.

FINCEN also expects to supply sophisticated software for use by state and local authorities for the analysis of phone and financial records. As the need arises, the organization will also develop new, specialized software to address the unique problems of financial investigations. While it is too early to tell if FINCEN will have the desired impact, it is clear that its creation is in recognition of the increasing sophistication of financial criminals. With a coordinated effort at all levels of government and participation by foreign law enforcement in the near future, there may be some hope of disrupting these activities.

## REFERENCES

- Adler, Patricia A. (1985). *Wheeling and Dealing: An Ethnography of an Upper-Level Drug Dealing and Smuggling Community*. New York: Columbia University Press.
- Arizona Attorney General's Office (1990). *Advanced Forfeiture Investigations Course*. Phoenix, AZ: Arizona Attorney General's Office.
- Benson, Michael L, Francis T. Cullen, and William J. Maakestad (1990). "Local Prosecutors and Corporate Crime." *Crime and Delinquency*, Vol. 36, No. 3, pp.356-372.
- Blakey, G. Robert, Ronald Goldstock and Charles H. Rogovon (1978). *Racket Bureaus: Investigation and Prosecution of Organized Crime* Law Enforcement Assistance Administration. Washington, DC: LEAA
- Buchanan, John (1989). "Police-Prosecutor Teams: Innovations in Several Jurisdictions". *Research in Action*, National Institute of Justice, U.S. Department of Justice.
- Bureau of Justice Assistance, National Institute of Justice (1990). *Evaluating Drug Control Initiatives. Conference Proceedings*. Washington, DC: Criminal Justice Statistics Association.
- Bureau of Justice Assistance, National Institute of Justice (1991). *Evaluating Drug Control Initiatives. Conference Proceedings*. Washington, DC: Criminal Justice Statistics Association.
- Bureau of Justice Assistance (1989). *FY 1988 Report on Drug Control*. Washington, DC: US Department of Justice.
- Bureau of Justice Statistics (1988). *Sourcebook of Criminal Justice Statistics - 1987*. Washington, DC: U.S. Department of Justice.
- Bureau of Justice Statistics (1989). "Felony Sentences in State Courts, 1986," In: *BJS Bulletin*, February, Washington, DC: US Department of Justice.
- Bureau of Justice Statistics (1990). *Sourcebook of Criminal Justice Statistics - 1998* Washington, DC: U.S. Department of Justice.
- Bureau of Justice Statistics (1991). *Fact Sheet: Drug Data Summary*. Washington, DC: U.S. Department of Justice.
- Bureau of Justice Statistics (1992). *Sourcebook of Criminal Justice Statistics - 1991*. Washington, DC: U.S. Department of Justice.
- Bynum, Timothy S. (1987). "Controversies in the study of organized crime". In Timothy S. Bynum (ed.), *Organized Crime In America: Concepts And Controversies*. Monsey, NY, Willow Tree Press, Inc., pp.3-11
- Chaiken, Jan, Marcia Chaiken, Clifford Karchmer (1990). *Multijurisdictional Drug Law Enforcement Strategies: Reducing Supply and Demand*. National Institute of Justice, U.S. Department of Justice,
- Chaiken, Marcia R. (1988). *Street-level Drug Enforcement: Examining the Issues*. Washington, DC: National Institute of Justice.

- Coldren, James R., Kenneth Coyle, Sophia Carr (1990). *Multijurisdictional Drug Control Task Forces 1988: Critical Components of State Drug Control Strategies*. Bureau of Justice Assistance, U.S. Department of Justice.
- Coldren, James R., Kenneth Coyle, Sophia Carr (1988). *Crime Laboratories 1988: A Key Program of State Drug Control Strategies*. Washington, D.C. Bureau of Justice Assistance, U.S. Department of Justice.
- Colorado Springs Police Department (1989), Asset Forfeiture Unit: Metro Vice and Narcotics, Colorado Springs, CO: CSPD.
- Cooper, Caroline, Maureen Solomon, Holly Bakke (1992). *Guide for Implementing a DCM Program*. Washington, DC, The American University.
- Drug Enforcement Administration (1987 Revision). *Drug Agents' Guide to Forfeiture of Assets*. Washington, D.C. U.S. Department of Justice.
- Edelhertz, Herbert (ed.) (1987) *Major Issue in Organized Crime Control: Symposium Proceedings*. Washington, DC: NIJ.
- Ekland-Olson, Sheldon, John Lieb and Louis Zurcher (1984), "The paradoxical impact of criminal sanctions: Some microstructural findings," *Law & Society Review* 18:160-178.
- Feeney, Floyd, F. Dill and A. Weir, (1983). *Arrests Without Convictions: How Often They Occur and Why*, Washington, D.C., U.S. Government Printing Office.
- Florida Department of Law Enforcement (1989). *Model Policy for Forfeiture of Assets by Law Enforcement Agencies*, Tallahassee, FL., Florida Department of Law Enforcement.
- Forst, Brian, Judith Lucianovic, and Sarah J. Cox (1977). *What Happens After Arrest? A Court Perspective of Police Operations in the District of Columbia*, Washington, D.C., Institute for Law and Social Research.
- Garofalo, James and Anita Neuberger (1987). *Reducing Felony Case Attrition Through Enhanced Police-Prosecutor Coordination*. Washington, D.C.: National Institute of Justice, U.S. Department of Justice.
- Gettinger, Stephen (1984). "Assessing Criminal Justice Needs." *Research in Brief*, Washington, D.C.: National Institute of Justice, U.S. Department of Justice.
- Godfrey, E.E. and Don R. Harris (1971), *Basic Elements of Intelligence*, Washington, DC: U.S. Government Printing Office.
- Goldstock, Ronald (1992), *The Approach of the Organized Crime Task Force*, White Plains, NY: unpublished paper.
- Goldstock, Ronald and Dan T. Coennen (1980) Controlling the contemporary loanshark: The law of illicit lending and the problem of witness fear. *Cornell Law Review* 65:127-185.
- Goldstock, Ronald (1991), . *The Prosecutor As Problem Solver*. New York: Center for Research in Crime and Justice at New York University School of Law, S.8.
- Haller, Mark H. (1990), "Illegal Enterprise: A Theoretical and Historical Interpretation," *Criminology* 28: 207-236.

- Hayeslip, David W., Jr. (1989). "Local-level drug enforcement: New strategies," *Research in Action*. National Institute of Justice, U.S. Department of Justice.
- Hildreth, R. (1990). "Identification of Electrophoresis". *Law and Order*, V 38, No. 7 (July 1990), pp. 38-40.
- International Association of Chiefs of Police (1975), *The Police Executive's Organized Crime Enforcement Handbook*, Gaithersburg, MD: IACP.
- Jackson, Robert A. (1990), *An Evaluation of the Oregon National Guard's Participation in Statewide Drug Law Enforcement*. In: *Evaluating Drug Control Initiatives Conference Proceedings*. Washington: Criminal Justice Statistics Association, p.55.
- Jacoby, Joan E., Heike Gramckow und Edward Ratledge (1992), *Evaluation of Asset Forfeiture Programs. Impact, Issues and Implementations* (Draft report for grant No # 89-IJ-CX 0037) Washington, D.C., National Institute of Justice.
- Jacoby, Joan E. (1981). *Working Paper on Police-Prosecutor Relations*. Prepared for the National Institute of Justice. Unpublished
- Jacoby, Joan E. and Edward C. Ratledge (1987). *Expert Systems in Criminal Justice*. Paper Presented to the American Society of Criminology Annual Meeting, Montreal, 1987.
- Jacoby, Joan E., Edward C. Ratledge, Ronald Allen (1988). *Building an Expert System for Baltimore County Police Department*. Washington, DC: Jefferson Institute for Justice Studies.
- Johnson Jr., Sterling (1990). *Narcotics Prosecutor's Training Manual*. New York, NY: Office of the New York City Special Prosecutor.
- Karchmer, Clifford (1992). *State and Local Money Laundering Control Strategies*. Research in Brief. Washington, DC : National Institute of Justice.
- Karchmer, Clifford (1987). *Illegal Money Laundering: A Strategy and Resource Guide for Law Enforcement Agencies*. In: PERF (Ed.), *Asset Forfeiture Training Program: Background and Reference Manual*. Washington, D.C., Bureau of Justice Assistance, Department of Justice.
- Knoepp, Terry J. and Edwin L. Miller Jr. (1977). *Creation of the Cross Designated Prosecutor Concept*. *Criminal Justice Journal*, Vol.1, No.2, p.155-175.
- Mastrofski, Stephen and Gary Potter (1987). "Controlling Organized Crime: A Critique of Law Enforcement Policy". *Criminal Justice Policy Review*, Vol 2., No.3, pp.269-301.
- National Institute of Justice (1990). *Searching for Answers. Research and Evaluation on Drugs and Crime*. Washington, DC: U.S. Department of Justice.
- National Institute of Justice (1991). *Searching for Answers. Annual Evaluation Report on Drugs and Crime: 1990*. Washington, DC: U.S. Department of Justice.
- National Institute of Justice (1992). *Searching for Answers. Annual Evaluation Report on Drugs and Crime: 1991*. Washington, DC: U.S. Department of Justice.
- Nossen, Richard A. (1982). *The Detection, Investigation and Prosecution of Financial Crimes*. Richmond, VA., Nossen and Associates.

- Nugent, Hugh and Thomas McEwen (1988). "Prosecutors' national assessment of needs." *Research in Action*, Washington, D.C.: National Institute of Justice, U.S. Department of Justice.
- Police Executive Research Forum, *Asset Forfeiture Manuals*, Nr. 1-13., Washington D.C., Police Executive Research Forum, 1988-1992.
- Potter, Gary W. and Cynthia J. Ahmann (1992). "Information Managers, Intelligence, and Organized Crime." *Police Computer Review*, Vol. 1. No. 3, p.1-6.
- Preston, James E. (1990). *International and Domestic Money Laundering: A Strategy for Enforcement*. Washington, D.C.: Police Executive Research Forum.
- Ratledge, Edward C. and Joan E. Jacoby (1989). *Handbook of Artificial Intelligence and Expert Systems in Law Enforcement*. Westport, CT: Greenwood Press.
- Rau, Richard M. (1991). "Forensic Science and Criminal Justice Technology: High-Tech Tools for the 90's." In: *NIJ Reports*, No.224, p.6-10.
- Reuter, Peter (1988) A profile of major drug traffickers. In: Pennsylvania Crime Commission, *Organized Crime Narcotics Enforcement Seminar*. Conshohocken: Pennsylvania Crime Commission.
- Slahor, S. (1990). "Leading the Way". *Law and Order*, Vol. 38, No. 7 (July 1990), pp.42-46.
- Smith, David, F.B. (1987), *Prosecution And Defense Of Forfeiture Cases*. New York, N.Y.: Matthew Bender & Company, Inc..
- Smith, David and T. Reed, *Civil Rico*, Nr. 10.05, 27 (1987 und Supp. 1989)
- Stoddard, Brokke and Cliff Karchmer (1991). *Managing Asset Forfeiture Operations: Agency Capabilities and Special Units*. Washington, D.C.: Police Executive Research Forum.
- Teasley, David L. (1989), *Extend of the Problem*, in: Congressional Research Review. *The Drug Problem*. Washington, D.C., CRS.
- Tien, James M., Thomas F. Rich, and Michael F. Cahn (1985). *Computer Crime: Electronic Fund Transfer Systems Fraud*. Washington, DC: Bureau of Justice Statistics, U.S. Department of Justice.
- U.S. Attorneys and The Attorney General of the U.S. (1989). *Drug Trafficking. A Report to the President of the United States*. Washington, D.C.: U.S. Department of Justice.
- U.S. Congress Office of Technology Assessment (1990). *Genetic Witnessess: Forensic Uses of Technology Assessment*. Washington, D.C: U.S. Congress.
- U.S. Sentencing Commission (1991). *Special Report to Congress: Mandatory Minimum Penalties in the Federal Criminal Justice System*. Washington, DC: U.S. Sentencing Commission.
- Uchida, Craig (1990). "NIJ Sponsors System To Speed Information to Police on Drug Hotspots." In: *NIJ Research in Action*, No.221, p.8-9.
- Waldorf, Dan (1987). "Business practices and social organization of cocaine sellers." Paper presented at the American Society of Criminology, Montreal, Canada, November 1987.



Watts, Vivian (1992). "Federal Crime Efforts: The Fallout on State and Local Governments," in: *Intergovernmental Perspective*, Vol. 18, No.1, S.35-38

Woodard, P.L. (1986). *Criminal Justice "Hot" Files*. Washington, D.C.: Bureau of Justice Statistics, U.S. Department of Justice.

Zonderman, J. (1990). *Beyond the Crime Lab: The New Science of Investigation*.

## **APPENDIX A: BIBLIOGRAPHY**

## BIBLIOGRAPHY

The following bibliography was compiled to assist prosecutors and investigators with finding the information needed to address the problems and issues arising from handling complex cases. However, because such a broad spectrum of topics has to be covered, a complete overview of the literature available in these different areas is beyond its scope. The following list of publications therefore emphasizes practical applications and should be understood as an initial source guide that will lead the interested reader to additional work in each section.

### HIGH-LEVEL DRUG CASES

Adler, Patricia A., (1985). *Wheeling and Dealing: An Ethnography of Upper-Level Drug Dealing and Smuggling Communities*. New York, Columbia University Press.

Fagan, Jeffrey (1989). The Social Organization of Drug Use and Drug Dealing Among Urban Gangs. *Criminology*, Vol. 27, No. 4., p.633-670.

Ianni, Francis AJ (1988) *Ethnic factors in drug networks*. In: Pennsylvania Crime Commission, Organized Crime Narcotics Enforcement Seminar. Conshohocken, PA: Pennsylvania Crime Commission.

Kleiman, Mark (1985). Drug enforcement and organized crime. In: Herbert E. Alexander and Gerald E. Caiden (eds.), *The Politics and Economics of Organized Crime*. Lexington, MA: Lexington Books.

Moore, Mark H. (1988). *Drug Trafficking*. Washington, DC: National Institute of Justice.

Reuter, Peter (1988) *A profile of major drug traffickers*. In: Pennsylvania Crime Commission, Organized Crime Narcotics Enforcement Seminar. Conshohocken: Pennsylvania Crime Commission.

- Mark A. Kleiman (1986). Risks and prices: An Economic Analysis of Drug Enforcement. In Michael Tonry and James Q. Wilson (eds.), *Crime and Justice: An Annual Review of research*, vol. 13, Chicago: University of Chicago Press.

- and John Hagen (1989). *The Organization of High-Level Drug Markets: An Exploratory Study*. Santa Monica, CA: Rand.

- et al. (1990). *Money for Crime. A Study of the Economics of Drug Dealing in Washington, D.C.*, Santa Monica, CA: Rand Corp.

U.S. Attorneys and The Attorney General of the U.S. (1989). *Drug Trafficking. A Report to the President of the United States*. Washington, D.C.: U.S. Department of Justice.

Waldorf, Dan (1987). "Business practices and social organization of cocaine sellers." Paper presented at the American Society of Criminology, Montreal, Canada, November 1987.

### ORGANIZED CRIME

Abadinsky, Howard (1985). *Organized Crime*. 2nd ed. Chicago, Ill: Nelson-Hall Publishers.

Albanese, Jay (1989). *Organized Crime in America*. 2nd. edition. Anderson Publishers.

- Alexander, Herbert E. and Gerald E. Caiden (eds.), *The Politics and Economics of Organized Crime*. Lexington, MA: Lexington Books.
- Blakey, G. Robert, Ronald Goldstock and Charles H. Rogovon. *Racket Bureaus: Investigation and Prosecution of Organized Crime* (1978). Law Enforcement Assistance Administration. Washington, DC: LEAA
- Bynum, Timothy S. (ed.) (1987). *Organized Crime In America: Concepts And Controversies*. Monsey, NY, Willow Tree Press, Inc..
- Comptroller General of the United States (1977). *War on Organized Crime Faltering*. Washington, DC: GPO.
- Dombrink, John (1990). Organized Crime: Gangsters and Godfathers. *Crime and Delinquency*, Vol. 36, No. 3, p.54-76.
- Edelhertz, Herbert (ed.) (1987) *Major Issue in Organized Crime Control: Symposium Proceedings*. Washington, DC: NIJ.
- Haller, Mark H. (1990) Illegal Enterprise: A Theoretical and Historical Interpretation. *Criminology* 28: 207-236.
- International Association of Chiefs of Police (1975). *The Police Executive's Organized Crime Enforcement Handbook*. Gaithersburg, MD: IACP.
- Libonati, Michael and Herbert Edelhertz (1982). *Study of Property Ownership and Devolution in the Organized Crime Environment*. Washington, DC: National Institute of Justice.
- Mastrofski, Stephen and Gary Potter (1987). "Controlling Organized Crime: A Critique of Law Enforcement Policy". *Criminal Justice Policy Review*, Vol 2., No. 3, pp. 269-301.
- National Advisory Committee on Criminal Justice Standards and Goals (1976). *Organized Crime: Report of the Task Force on Organized Crime*. Washington, DC.: NACCJSG.
- National Association of Attorneys General
- *Prosecuting Organized Crime* (1974).
- Smith, Dwight C. Jr (1980). "Paragons, pariahs, and pirates: A spectrum-based theory of enterprise". *Crime and Delinquency*, Vol. 26, pp. 358-386.
- Smith, Dwight C. Jr. and Richard D. Alba (1979). "Organized Crime and American life". *Society*, Vol. 3, pp.32-38.

#### OTHER COMPLEX CRIMES

- Arkin, Stanley et al. (1989). *Prevention and Prosecution of Computer and High Technology Crime*. Albany, NY: Matthew Bender.
- Benson, Michael L, Francis T. Cullen, and William J. Maakestad (1990). Local Prosecutors and Corporate Crime. *Crime and Delinquency*, Vol. 36, No. 3, p.356-372.

- Block, Alan (1988). *The Business of Crime*. Westview Press.
- Edelhertz, Herbert (1970). *The Nature, Impact and Prosecution of White-Collar Crime*. Washington, DC : National Institute of Law Enforcement and Criminal Justice.
- and Charles Rogovin (Eds.)(1980). *A National Strategy for Containing White-Collar Crime*. Lexington, MA: Lexington Books.
- Geis, Gilbert, Henry N. Pontell, and Paul D. Jesilow (1990). Medicaid Fraud. *Crime and Delinquency*, Vol. 36, No. 3, p.17-39.
- Goldstock, Ronald and Dan T. Coennen (1980) Controlling the contemporary loanshark: The law of illicit lending and the problem of witness fear. *Cornell Law Review* 65:127-185.
- Karchmer, Clifford (1987). Illegal Money Laundering: A Strategy and Resource Guide for Law Enforcement Agencies. In: PERF (Ed.), *Asset Forfeiture Training Program: Background and Reference Manual*. Washington, D.C., BJA, DOJ.
- and Douglas Ruch (1992). *State and Local Money Laundering Control Strategies*. Research in Brief. Washington, DC : National Institute of Justice.
- Law Enforcement Assistance Administration. Washington, DC: LEAA:
- *Prosecution of Economic Crime* (1976)
  - *Strategies for Combating the Criminal Receiver of Stolen Goods* (1976)
  - *Combating Cigarette Smuggling* (1976)
- National Institute of Justice (1989). Computer Crime Advisors Meeting, Sept. 14-15, 1989, Washington, DC.
- Preston, James E. (1990). *International and Domestic Money Laundering: A Strategy for Enforcement*. Washington, D.C.: Police Executive Research Forum.
- Tien, James M., Thomas F. Rich, and Michael F. Cahn (1985). *Computer Crime: Electronic Fund Transfer Systems Fraud*. Washington, DC: Bureau of Justice Statistics, U.S. Department of Justice.
- Whitcom, Debra, Louis Frisina, and Robert Sprangenberg (1979). *An Exemplary Project: Connecticut Economic Crime Unit*. Washington, DC : National Institute of Law Enforcement and Criminal Justice.

#### INVESTIGATIVE AND PROSECUTORIAL TECHNIQUES

- Block, Alan and Wiedeman (1975). *Managing Criminal Investigations*. Washington, DC: National Institute of Law Enforcement and Criminal Justice. LEAA, U.S. Department of Justice.
- Booth, Frank R. (1988). *Public Record and Other Information on Hidden Assets*. Asset Forfeiture Series: No. 2, Washington D.C., Police Executive Research Forum.
- Bouza, Anthony V. (1988). Evaluating Street-Level Drug Enforcement. In: M.R. Chaiken (ed.). *Street-Level Drug Enforcement: Examining the Issues*. National Institute of Justice. Issues and Practices. Washington, DC: U.S. Dept. of Justice.

- Bryant, Wanda G. (1989). *Disclosing Hidden Assets: Plea Bargains and Use of the Polygraph*. Asset Forfeiture Series: No. 5, Washington D.C.. Police Executive Research Forum.
- Buchanan, John (1989). "Police-Prosecutor Teams: Innovations in Several Jurisdictions". *Research in Action*, National Institute of Justice, U.S. Department of Justice.
- Chaiken, Marcia R. and Jan M. Chaiken (1991). "Priority Prosecution of High-Rate Dangerous Offenders." *Research in Action*, Washington, D.C.: National Institute of Justice, U.S. Department of Justice.
- Chaiken, Marcia R. (1988). *Street-level Drug Enforcement: Examining the Issues*. Washington, DC: National Institute of Justice.
- David, John J. and Mark H. Shaffer (1988). Cognitive intelligence gathering, motorcycle gangs and insurance fraud. *Criminal Organizations*, Vol. 4, no. 2, p.11-16.
- Ekland-Olson, Sheldon, John Lieb and Louis Zurcher (1984) The paradoxical impact of criminal sanctions: Some microstructural findings. *Law & Society Review* 18:160-178.
- Federal Bureau of Investigation (1989). *Racketeering Records Analysis Unit*. FBI Laboratory, Document Section, Washington, D.C., Federal Bureau of Investigation.
- Feeney, Floyd, F. Dill and A. Weir, (1983). *Arrests Without Convictions: How Often They Occur and Why*, Washington, D.C., U.S. Government Printing Office.
- Ferris, Janet (1989). *State and Federal Forfeiture Laws: Establishing a Connection between illegal acts and profits*. PERF Training Florida, Tallahassee.
- Forst, Brian, Judith Lucianovic, and Sarah J. Cox (1977). *What Happens After Arrest? A Court Perspective of Police Operations in the District of Columbia*, Washington, D.C., Institute for Law and Social Research.
- Garofalo, James and Anita Neuberger (1987). *Reducing Felony Case Attrition Through Enhanced Police-Prosecutor Coordination*. Washington, D.C.: National Institute of Justice, U.S. Department of Justice.
- Godfrey, E.E. and Don R. Harris (1971), *Basic Elements of Intelligence*, Washington, DC: U.S. Government Printing Office.
- Goldsmith, Michael (1988). *Civil Forfeiture: Tracing the Proceeds of Narcotics Trafficking*. Asset Forfeiture Series: No. 1, Washington D.C., Police Executive Research Forum.
- Goldstock, Ronald and Dan T. Coennen (1980) Controlling the contemporary loanshark: The law of illicit lending and the problem of witness fear. *Cornell Law Review* 65:127-185.
- Hayeslip, David W., Jr. (1989). *Local-level drug enforcement: New strategies*. *Research in Action*. National Institute of Justice, U.S. Department of Justice.
- Jackson, Robert A. (1990). An Evaluation of the Oregon National Guard's Participation in Statewide Drug Law Enforcement. In: *Evaluating Drug Control Initiatives Conference Proceedings*. Washington: Criminal Justice Statistics Association, p.55.
- Jacoby, Joan E. (1977). *The Prosecutor's Charging Decisions: A Policy Perspective*, Washington, D.C., Government Printing Office.

- Jacoby, Joan E. und Heike Gramckow (1993) Prosecuting Drug Offenders," in: D. MacKenzie und C. Uchida. *Drugs and the Criminal Justice System. Evaluating Public Policy Initiatives*. Beverly Hills, CA: Sage Publications.
- Kleimann, Mark (1988) "Crackdowns: The Effects of Intensive Enforcement on Retail Heroin Dealing". Marcia Chaiken (ed.) *Street Level Drug Enforcement: Examining the Issues*. Washington, D.C., National Institute of Justice, U.S. Department of Justice.
- Knoepp, Terry J. and Edwin L. Miller Jr. (1977). Creation of the Cross Designated Prosecutor Concept. *Criminal Justice Journal*, Vol. 1, No. 2, p.155-175.
- Law Enforcement Assistance Administration. Washington, DC: LEAA:
- *Basic Elements of Intelligence* (1976).
- Libonati, Michael and Edelhertz, Herbert (1989 reprint). *Study of Property Ownership and Devolution in the Organized Crime Environment*. Washington D.C., Police Executive Research Forum.
- Lyman, Michael D. (1989). *Practical Drug Enforcement: Procedure and Administration*. New York, NY: Elsevier Science Publishing.
- Martin, Susan E. (1987). *Improving Evidence Collection Through Police-Prosecutor Coordination*, Washington, D.C., National Institute of Justice.
- and Lawrence W. Sherman (1986). "Selective Apprehension: A Police Strategy for Repeat Offenders". *Criminology*, 24:155-173.
- Mellon, Leonard R. (1979). "Measuring Evidentiary Strength of Criminal Cases", In Barbara R. Price and Phyllis J. Baunach (eds.), *Criminal Justice Research: New Models and Findings*, Beverly Hills, CA: Sage Publications, 89-100.
- National Institute of Justice (1990). Searching for Answers. Research and Evaluation on Drugs and Crime. Washington, DC: U.S. Department of Justice.
- National Institute of Justice (1991). Searching for Answers. Annual Evaluation Report on Drugs and Crime: 1990. Washington, DC: U.S. Department of Justice.
- National Institute of Justice (1992). Searching for Answers. Annual Evaluation Report on Drugs and Crime: 1991. Washington, DC: U.S. Department of Justice.
- National Institute on Economic Crime (1989). *Investigative Techniques in Complex Financial Crimes*. Washington, D.C., National Institute on Economic Crime.
- Nossen, Richard A. (1982). *The Detection, Investigation and Prosecution of Financial Crimes*. Richmond, VA., Nossen and Associates.
- Purdy, Stephen R. (1988) *Computer Crime Investigations*. Draft monograph. Federal Computer Investigations Committee.
- Somers, L.E.. (1984). *Economic Crimes - Investigative Principles and Techniques*.

Thackeray, Gail (1985). "Problems of Computer Evidence." In: *The Practical Prosecutor*. NDAA, Houston, Vol. 1985 (2), pp. 10-11.

Williamson, Mary J. (1988). *Bank Record Retention Guidelines*. Rolling Meadows, Ill., Bank Administration Institute.

## PROGRAM MANAGEMENT AND ORGANIZATION

Blakey, G. Robert, Ronald Goldstock, Charles H. Rogovon (1978). *Rackets Bureaus: Investigation and Prosecution of Organized Crime*. Washington, DC: National Institute of Law Enforcement and Criminal Justice. LEAA, U.S. Department of Justice.

Chaiken, Jan, Marcia Chaiken, Clifford Karchmer (1990). *Multijurisdictional Drug Law Enforcement Strategies: Reducing Supply and Demand*. Washington, DC: National Institute of Justice, U.S. Department of Justice.

Coldren, James R., Kenneth Coyle, Sophia Carr (1990). *Multijurisdictional Drug Control Task Forces 1988: Critical Components of State Drug Control Strategies*. Bureau of Justice Assistance, U.S. Department of Justice.

Conly, Catherine H. (1989) *Organizing for Computer Crime Investigation and Prosecution*. Washington, DC: National Institute of Justice, U.S. Department of Justice.

Connors, Edward F., Hugh Nugent, Frank J. Leahy, Jr. (1989). *Managing Confidential Funds*. Washington, DC: Bureau of Justice Assistance.

Drug Enforcement Administration (1987). *Drug Agent's Guide to Forfeiture of Assets*. Washington, D.C., Drug Enforcement Administration.

Feeney, Floyd (1981). *Case Processing and Police-Prosecutor Coordination*. Davis, CA, Center on Administration of Criminal Justice, University of California.

Ferris, Janet E.. *Starting Forfeiture Programs: A Prosecutors' Guide*. *Asset Forfeiture Series: No. 8*, Washington D.C., Police Executive Research Forum, 1989.

Finn, Peter and Alan Hoffman (1976). *Exemplary Projects: Prosecution of Economic Crime*. Washington, DC : National Institute of Law Enforcement and Criminal Justice.

Garofalo, James and Anita Neuberger (1987). *Reducing Felony Case Attrition Through Enhanced Police-Prosecutor Coordination*. Washington, D.C.: National Institute of Justice, U.S. Department of Justice.

Gettinger, Stephen (1984). "Assessing Criminal Justice Needs." *Research in Brief*, Washington, D.C.: National Institute of Justice, U.S. Department of Justice.

Goldstock, Ronald (1992), *The Approach of the Organized Crime Task Force*, White Plains, NY: unpublished paper.

International Association of Chiefs of Police (1975), *The Police Executive's Organized Crime Enforcement Handbook*, Gaithersburg, MD: IACP.



- Jacoby, Joan E, Kai Martensen, Andrew Sonner, S. Goldsmith, J. Phillips, P. Giordano and F. Crawford (1989). *Guidebook for the Establishment of Career Criminal Programs*. Washington, D.C. U.S. Department of Justice, Bureau of Justice Assistance, (to be published).
- (1979). *The Standard Case Set: A Techniques for Measuring the Dimensions of a Prosecutor's Office*. Paper presented to the ASC meeting, Philadelphia.
  - (1980). *The American Prosecutor: A Search for Identity*. Lexington, MA: Lexington.
  - (1981). *Working Paper on Police-Prosecutor Relations*. Prepared for the National Institute of Justice.
  - et al. (1980). *The Effects of Learning and Policy Transference on Prosecutorial Decisionmaking*. Washington, DC: Bureau of Social Science Research.
  - Leonard R. Mellon, Walter F. Smith (1982). *Policy and Prosecution*. Washington, DC: National Institute of Justice, U.S. Department of Justice.
  - Thomas McEwen and Randall Guynes (1987). *National Baseline Information on Offender Processing Costs*. Washington, DC: Jefferson Institute.
- Knoepp, Terry J. and Edwin L. Miller Jr. (1977). "Creation of the Cross Designated Prosecutor Concept". *Criminal Justice Journal*, Vol. 1, No. 2, p.155-175.
- Law Enforcement Assistance Administration. Washington, DC: LEAA:
- *Multi-Agency Narcotics Unit Manual* (1976)
  - *Managing Criminal Investigations* (1975)
- Lenck, William (1989). *Tracking Drug Proceeds: Bank Secrecy Act Reports. Asset Forfeiture Series: No. 11*, Washington D.C., Police Executive Research Forum.
- McDonald, William F. (1982). *Police-Prosecutor Relations in the United States: Executive Summary*, Washington, D.C., U.S. Government Printing Office.
- McEwen, J. Thomas et al. (1989). *Dedicated Computer Crime Units*. Washington, DC: National Institute of Justice, U.S. Department of Justice.
- Nugent, Hugh and Thomas McEwen (1988). "Prosecutors' national assessment of needs." *Research in Action*, Washington, D.C.: National Institute of Justice, U.S. Department of Justice.
- Pennsylvania Crime Commission (1989) *The Limits of the Criminal Sanction: The Case of John Nacrelli*. Public Hearings Re: Chester, PA. Conshohocken: Pennsylvania Crime Commission.
- Pennsylvania Crime Commission (1970) *Report on Organized Crime*. Public. Conshohocken, PA: Pennsylvania Crime Commission.
- Stanko, Elizabeth A. (1981). "The Arrest vs. The Case: Some Observations on Police/District Attorney Interaction", *Urban Life*, Vol. 9, pp. 395-414.
- U.S. Sentencing Commission (1991). *Special Report to Congress: Mandatory Minimum Penalties in the Federal Criminal Justice System*. Washington, DC: U.S. Sentencing Commission.

Whitcomb, Debra, Louis Frisina, and Robert Spangenberg (1979). *An Exemplary Project: Connecticut Economic Crime Unit*. Washington, DC: National Institute of Law Enforcement and Criminal Justice.

#### ASSET FORFEITURE, OTHER CIVIL AND REGULATORY REMEDIES

American Prosecutors Research Institute (1989). *The Uniform Controlled Substance Act*. Alexandria, VA: NDAA.

Drug Enforcement Administration. *Drug Agents' Guide to Forfeiture of Assets* (1987 Revision). Washington, D.C. U.S. Department of Justice.

Executive Office for United States Attorneys'. *Prosecutor's Guide to Criminal Fines and Restitution*. Washington, DC: U.S. Department of Justice.

Florida Department of Law Enforcement (1989). *Model Policy for Forfeiture of Assets by Law Enforcement Agencies*. Tallahassee, FL., Florida Department of Law Enforcement.

Florida Department of Law Enforcement (1989). *First Procedure Manual. Real Property Addendum*. Tallahassee, FL., Florida Department of Law Enforcement.

Frank, Nancy and Michael Lombness (1988). *Controlling Corporate Illegality: The Regulatory System*. Cincinnati, OH: Anderson Publishers.

Goldstock, Ronald. *The Prosecutor As Problem Solver* (1991). New York: Center for Research in Crime and Justice at New York University School of Law.

Jacoby, Joan E., Heike P. Gramckow and Edward C. Ratledge,(1992). *Evaluation of Asset Forfeiture Programs. Issues and Implementations* (Draft report for grant No # 89-IJ-CX 0037) Washington, D.C., National Institute of Justice.

- Heike P. Gramckow, Erica Jacoby Price (1991). *Survey of Asset Forfeiture Programs in 1990*. Washington, DC: Jefferson Institute.

- Edward C. Ratledge, Heike P. Gramckow (1991). *The Expedited Drug Case Management Programs*

National Association of Attorneys General

- *The Use of Civil Remedies in Organized Crime Control* (1974).

Police Executive Research Forum, *Asset Forfeiture Manuals* Nr. 1-13., Washington D.C., Police Executive Research Forum, 1988-1992.

Stoddard, Brokke and Cliff Karchmer (1991). *Managing Asset Forfeiture Operations: Agency Capabilities and Special Units*. Washington, D.C.: Police Executive Research Forum.

## TECHNOLOGY IN CRIMINAL JUSTICE

- Arkin, Stanley et al. (1988). *Prevention and Prosecution of Computer and High Technology Crime*. New York: Matthew Bender & Co.
- Coldren, James R., Kenneth Coyle, Sophia Carr (1988). *Crime Laboratories 1988: A Key Program of State Drug Control Strategies*. Washington, D.C. Bureau of Justice Assistance, U.S. Department of Justice.
- Dintino, Justin J. and Frederick T. Martens (1983). *Police Intelligence Systems and Crime Control*. Springfield, IL: Charles C. Thomas.
- Gramckow, Heike P. and Joan E. Jacoby (1992). Expert Systems and Criminal Justice. *The Forum*, Vol. 10, No. 2, p.4-5.
- Hildreth, R. (1990). "Identification of Electrophoresis". *Law and Order*, V 38, No. 7 (July 1990), pp. 38-40.
- Uchida, Craig. "NIJ Sponsors System To Speed Information to Police on Drug Hotspots." In: NIJ Research in Action, Nr.221, 1990, S.8-9;
- Jacoby, Joan E. and Edward C. Ratledge (1987). *Expert Systems in Criminal Justice*. Paper Presented to the American Society of Criminology Annual Meeting, Montreal 1987.
- Edward C. Ratledge, Ronald Allen (1988). *Building an Expert System for Baltimore County Police Department*. Washington, DC: Jefferson Institute.
- Potter, Gary W. and Cynthia J. Ahmann (1992). Information Managers, Intelligence, and Organized Crime. *Police Computer Review*, Vol. 1. No. 3, 1993, p.1-6.
- Ratledge, Edward C., and Joan Jacoby (1989). *Handbook on Artificial Intelligence and Expert Systems in Law Enforcement*. New York, Greenwood.
- Rau, Richard M. (1991). "Forensic Science and Criminal Justice Technology: High-Tech Tools for the 90's." In: NIJ Reports, No. 224, p.6-10.
- Rhodes, Judy and Daniel Routzon (1992). Roadblocks to Record Keeping As An Investigative Tool. *Police Computer Review*, Vol. 1. No. 3, 1993, p.7-8.
- SEARCH Group, Inc. (1976). *The American Criminal History Record*. Sacramento, CA: SEARCH Group, Inc.
- Spelman, William (1988). *Beyond Bean Counting. New Approaches for Managing Crime Data*. Washington, DC: Bureau of Justice Statistics.
- Stallo, Mark (1992). Using Computerized Mapping Software to Transition from Traditional Police to Community Based Boundaries. *Police Computer Review*, Vol. 1. No. 3, 1993, p.21-23.
- Uchida, Craig (1990). "NIJ Sponsors System To Speed Information to Police on Drug Hotspots." In: *NIJ Research in Action*, No. 221, p.8-9.

United Nations (1992). *Guide to Computerization of Information Systems in Criminal Justice. Studies in Methods*, Series F No. 58. New York, NY: UN.

U.S. Congress Office of Technology Assessment (1990). *Genetic Witnessess: Forensic Uses of Technology Assessment*. Washington, D.C: U.S. Congress.

Waldron, Joseph et a. (1987). *Microcomputers in criminal Justice: Current Issues and Applications*. Cincinnati, OH: Anderson Publishing.

Woodard, P.L. (1986). *Criminal Justice "Hot" Files*. Washington, D.C.: Bureau of Justice Statistics, U.S. Department of Justice.

## TRAINING GUIDES

Arizona Attorney General's Office. *Advanced Forfeiture Investigations Course*. Phoenix, AZ: Arizona AG's Office, 1990.

Drug Enforcement Administration. *Drug Agents' Guide to Forfeiture of Assets* (1987 Revision). Washington, D.C. U.S. Department of Justice, 1987.

Federal Bureau of Investigation (1987). *Facts on Petitions (Petitions for Remission or Mitigation of Forfeiture)*. Washington, D.C., Federal Bureau of Investigation.

- (1987). *Forfeiture and Abandoned Property*. Washington, D.C., Administrative Services Division and Legal Counsel Division, Federal Bureau of Investigation.

- (1987). *Seizures of Currency for Forfeiture Purposes Under Title 21, U.S.C, Section 881*. Washington, D.C., Federal Bureau of Investigation.

Immigration and Naturalization Service (1988). *Asset Forfeiture Program. Equitable Sharing*. Washington, D.C., Immigration and Naturalization Service.

Johnson Jr., Sterling (1990). *Narcotics Prosecutor's Training Manual*. New York, NY: Office of the New York City Special Prosecutor.

National Criminal Justice Association (1986). *Enhancing the Productivity of Police Narcotics Control and Asset Removal Strategies*. Washington, D.C., National Criminal Justice Association.

- (1988). *Assets Seizure and Forfeiture; Developing and Maintaining a State Capability*. Washington, D.C., National Criminal Justice Association.

Police Executive Research Forum (1988). *Asset Forfeiture Training Program: Background and Reference Manual; Illegal Money Laundering*. Washington. D.C. Bureau of Justice Assistance.

President's Council on Integrity and Efficiency. Computer Committee (1986). *Compendium of Data Processing and Telecommunications Training Courses for Auditors and Investigators*.

U.S. Department of Justice (1987). *The Attorney General's Guidelines on Seized and Forfeited Property*. Washington, D.C., U.S. Department of Justice.

## GENERAL INTEREST

- Bureau of Justice Assistance, National Institute of Justice (1990). *Evaluating Drug Control Initiatives. Conference Proceedings*. Washington, DC: Criminal Justice Statistics Association.
- Bureau of Justice Assistance, National Institute of Justice (1991). *Evaluating Drug Control Initiatives. Conference Proceedings*. Washington, DC: Criminal Justice Statistics Association.
- Bureau of Justice Statistics (1989). "Felony Sentences in State Courts, 1986," In: *BJS Bulletin*, February, Washington, DC: US Department of Justice.
- Bureau of Justice Assistance (1989). *FY 1988 Report on Drug Control*. Washington, DC: US Department of Justice.
- Bureau of Justice Statistics (1991). *Fact Sheet: Drug Data Summary*. Washington, DC: U.S. Department of Justice.
- Bureau of Justice Statistics (1990). *Federal Criminal Case Processing, 1980-87*. Washington, DC: U.S. Department of Justice.
- Bureau of Justice Statistics (1992). *Sourcebook of Criminal Justice Statistics - 1991*. Washington, DC: U.S. Department of Justice.
- Bureau of Justice Statistics (1990). *Sourcebook of Criminal Justice Statistics - 1989*. Washington, DC: U.S. Department of Justice.
- Bureau of Justice Statistics (1988). *Sourcebook of Criminal Justice Statistics - 1987*. Washington, DC: U.S. Department of Justice.
- National Institute of Justice (1990). *Searching for Answers. Research and Evaluation on Drugs and Crime*. Washington, DC: U.S. Department of Justice.
- National Institute of Justice (1991). *Searching for Answers. Annual Evaluation Report on Drugs and Crime: 1990*. Washington, DC: U.S. Department of Justice.
- National Institute of Justice (1992). *Searching for Answers. Annual Evaluation Report on Drugs and Crime: 1991*. Washington, DC: U.S. Department of Justice.
- President's Commission on Law Enforcement and Administration of Justice. *Challenge of Crime in a Free Society*. New York: Avon, 1968.
- President's Commission on Organized Crime (Hrsg.), Report to the President and to the Attorney General; *The Cash Connection: Organized Crime, Financial Institutions and Money Laundering*. Washington, D.C.: GPO 1984.
- President's Commission on Organized Crime (Hrsg.), *America's Habit: Drug Abuse, Drug Trafficking, and Organized Crime*. Washington, D.C.: Government Printing Office, 1986

## **APPENDIX B: DIRECTORY OF PROGRAMS**

## INTRODUCTION

The following directory is part of a national study on the prosecution of complex drug cases, funded by the National Institute of Justice, U.S. Department of Justice. This study was undertaken to identify the needs and problems state and local prosecutors face when confronted with complex drug cases.

The purpose of this directory is to build a network and to assist other prosecutors to overcome special problems that arise with investigating and prosecuting complex drug cases.

The directory was compiled as a result of a telephone survey that was conducted by the Jefferson Institute for Justice Studies from June to October 1992. It contains the names and addresses of Attorney General's and local prosecutors that handle complex drug cases; it also lists their fields of specialization. These specializations are presented by the following categories: *Offense Specialization*, *Pretrial and Trial Expertise*, and *Case Management Expertise*. Some prosecutors did not provide an area of specialization and are listed as *Generalists*.

The prosecutors are listed by states. The left hand column shown under each state indexes names and counties by field of specialization. The right column holds the addresses of the prosecutors.

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## PROSECUTING COMPLEX DRUG CASES

### List of Contacts

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##### INDEX

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## CALIFORNIA

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*Orange County*

##### **Major Drug Trafficking Cases**

Thierbach, Rick

*Riverside County*

##### **Conspiracy Cases**

Bell, Karen

*San Bernadino County*

##### **Conspiracy Cases, Asset forfeiture**

Nichols, Paul

*San Mateo County*

##### **Major Drug Trafficking Cases**

Janes, Ronald C.

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#### Pretrial and Trial Expertise:

##### **Trial Work**

Guitini, Russ

*Alameda County*

##### **Search and Seizure Procedures**

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*Hartford County*

#### Pretrial and Trial Expertise:

**Trial Work**  
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*Hartford County*

#### Case Management Expertise:

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Law Enforcement/Prosecution  
Activities,**  
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#### **Conspiracy Cases, Major Drug Trafficking Cases**

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## **APPENDIX C: SURVEY INSTRUMENTS**

## PROSECUTION OF COMPLEX DRUG CASES

### Telephone Survey

#### I. IDENTIFICATION INFORMATION

##### A. RESPONDENT INFORMATION

1. Date of interview:

2. Name:

3. Title:

4. Agency:

5. Office:

6. Address:

7. Phone: ( )

8. Fax: ( )

##### B. OFFICE INFORMATION

1. Type of office

- ☐ State
- ☐ Local
- ☐ Task force
- ☐ Other

2. Jurisdiction of office

- ☐ criminal
- ☐ civil
- ☐ appeals

3. Size of office

- a. Number of attorneys\_
- b. Total staff size\_\_\_\_\_
- c. 1991 budget\_\_\_\_\_

4. Do you have a separate unit for drug prosecutions?

☐ yes ☐ no

5. If yes, how many attorneys are assigned?\_\_\_\_\_

##### C. LEGISLATION

1. Does your state legislation have statutes for

- ☐ Asset forfeiture
  - ☐ civil,
  - ☐ criminal,
  - ☐ administrative
- ☐ RICO
  - ☐ civil
  - ☐ criminal
- ☐ CCE
- ☐ Money laundering
- ☐ Wire taps

##### II. ACTIVITY STATUS

1. Does your office prosecute drug cases involving RICO, CCE, money laundering or cases based on complex investigative techniques such as wire taps, financial investigation, asset forfeiture, link analysis, or other sophisticated forms of electronic surveillance?

☐ no, go to section III.

☐ yes, go to section IV.

### III. DOES NOT PROSECUTE.

#### 1.. Why don't you prosecute these kind of cases?

(First box, check if reason given. Second box, use for scales)

##### External reasons

- ☐ ☐ ☐ No crimes
- ☐ ☐ ☐ Inadequate legislation
- ☐ ☐ ☐ Federal agencies take them
- ☐ ☐ ☐ Other state/local agency take them
- ☐ ☐ ☐ Local police don't have resources
- ☐ ☐ ☐ Courts are resistant
- ☐ ☐ ☐ Other

##### Internal reasons

- ☐ ☐ ☐ Prosecutor policy not to take them
- ☐ ☐ ☐ Lack of prosecution resources
- ☐ ☐ ☐ Heavy caseload in other areas
- ☐ ☐ ☐ Other

On a scale of 1-5 with one (1) being the least important, how important is each reason stated?

#### 2. Has the office ever prosecuted these kind of cases?

☐ no ☐ yes

#### 3. If yes,

a. what types of cases were prosecuted?

b. what year was the last prosecution? \_\_\_\_\_

c. why did the office stop?

(First box, check if reason given. Second box, use for scales)

##### External reasons

- ☐ ☐ ☐ No crimes
- ☐ ☐ ☐ Inadequate legislation
- ☐ ☐ ☐ Federal agencies take them
- ☐ ☐ ☐ Other state/local agency take them
- ☐ ☐ ☐ Local police don't have resources
- ☐ ☐ ☐ Courts are resistant
- ☐ ☐ ☐ Other

##### Internal reasons

- ☐ ☐ ☐ Prosecutor policy not to take them
- ☐ ☐ ☐ Lack of prosecution resources
- ☐ ☐ ☐ Heavy caseload in other areas
- ☐ ☐ ☐ Other

On a scale of 1-5 with one being least important, how important is each reason?

#### 4 Are there plans to start prosecuting these kind of cases in the near future?

☐ no ☐ yes

#### 5 If yes,

a. what type of cases will be prosecuted?

b. when do you expect to start?

#### 6. If you decide to prosecute these cases, what would you need to handle these types of prosecutions?

(First box, check if reason given. Second box, use for scales)

- ☐ ☐ ☐ Change in legislation
- ☐ ☐ ☐ More personnel
- ☐ ☐ ☐ Additional equipment
- ☐ ☐ ☐ Training
- ☐ ☐ ☐ Money
- ☐ ☐ ☐ Other

On a scale of 1-5 with 1 being the least important, how important is each requirement?

#### 7. Considering the drug crime situation in your jurisdiction, should local prosecutors be involved in the prosecution of these complex cases ? Please explain why

☐ No ☐ Yes

END OF SURVEY.

**IV. DOES PROSECUTE****A. TYPE AND FREQUENCY**

**1. Has the office ever investigated or prosecuted the following:**

*(First column, investigate; second column prosecute)*

inv \_\_\_\_\_ pros. \_\_\_\_\_

- ☐ ☐ Asset forfeiture  
☐ ☐ CCE  
☐ ☐ Conspiracy cases  
☐ ☐ Money laundering  
☐ ☐ RICO  
☐ ☐ Other, Specify

**3. If yes,**

**a. How many investigations?**

\_\_\_\_\_ Before 1991  
 \_\_\_\_\_ After 1991

**b. How many prosecutions?**

\_\_\_\_\_ Before 1991  
 \_\_\_\_\_ After 1991

**4. For the largest case of this type prosecuted in 1991,**

\_\_\_\_\_ **a. How many defendants were involved?**

**b. Were assets forfeited?**  
☐ no ☐ yes

\_\_\_\_\_ **c. Value of forfeited assets?**

**5. What is the length of time these cases are in your office for:**

**Investigation**

\_\_\_\_\_ shortest  
 \_\_\_\_\_ longest  
 \_\_\_\_\_ average

**Prosecution**

\_\_\_\_\_ shortest  
 \_\_\_\_\_ longest  
 \_\_\_\_\_ average

**6. Are some of these types of cases sometimes prosecuted by other agencies (not your office)?**

☐ No *(Skip to B.9)*  
☐ Yes

**7. If yes, what kind are they?**

**8. If yes, What agency prosecutes them?**

*(get name of other unit and contact person)*

**8. Why are these cases handled by another agency?**

- ☐ Policy decision  
☐ Poor legislation  
☐ Lack of resources  
☐ Other, specify

**B. ORGANIZATION AND STAFFING**

**9. How are you organized to handle these complicated drug prosecutions?**

- ☐ Separate unit  
☐ Cases specially assigned  
☐ Part of Task force  
☐ Combinations of the above, (which ones)  
☐ Other *(specify)*

**10. How many of the following personnel are assigned to these special drug cases?**

Number

\_\_\_\_\_ Prosecutors  
 \_\_\_\_\_ Investigators on staff  
 \_\_\_\_\_ Law enforcement personnel on detail  
 \_\_\_\_\_ Crime analysts  
 \_\_\_\_\_ Intelligence analysts  
 \_\_\_\_\_ Financial analysts  
 \_\_\_\_\_ Paralegals  
 \_\_\_\_\_ Other support personnel

**11. Are prosecutors designated or assigned continuing responsibility for these prosecutions?**

☐ No ☐ Yes

**12. If yes, how many**

**13. How many of your prosecutors are cross-designated?**

**14. How many of the investigators are cross-designated?**

**15. Does the office have staff (legal and nonlegal) experienced in:**

- ☐ Prosecuting wiretap cases
- ☐ Asset forfeiture
- ☐ Financial investigations
- ☐ Informant management

**16. Do prosecutors assigned these types of cases also carry other "routine" cases at the same time?**

☐ no ☐ yes

**17. On a scale of 1 to 5, with 1 being never and 5 always, how often do you coordinate with:**

- ☐ local law enforcement agencies
- ☐ US Attorneys
- ☐ Task Force
- ☐ Attorney General
- ☐ Federal investigative agencies, (FBI DEA etc.)

### C. PROCEDURES

#### Case initiation and investigation

**18. What percent of these cases are referred to your office by:**

- \_\_\_\_\_ Local police
- \_\_\_\_\_ State police
- \_\_\_\_\_ Local Task Force
- \_\_\_\_\_ State/Fed Task Force
- \_\_\_\_\_ Federal investigative agencies
- \_\_\_\_\_ Local prosecutors
- \_\_\_\_\_ Others

**19. Who usually decides what type of investigation is needed in these cases?**

- ☐ Law enforcement
- ☐ Task force, without prosecutors involvement
- ☐ Task force, with prosecutors involvement
- ☐ Prosecutor

**20. What is the prosecutors primary level of involvement in these investigations?**

- ☐ none
- ☐ monitor that the legal requirements are met
- ☐ monitor the progress of the investigation to improve the quality of prosecution
- ☐ make policy decisions about the investigation and its plans
- ☐ make operational decisions about the investigation
- ☐ totally direct the investigation

**21. What percent of these cases are based on planned investigations and arrests?**

**22. On a scale of 1-5, 1 being least important, how important are these investigative aspects to prosecution.**

- ☐ Long term commitment
- ☐ Investigative control
- ☐ Informant management
- ☐ Other, specify

**23. Are you satisfied with your present level of involvement in investigations?**

☐ no ☐ yes

#### Litigation of complex cases

**24. Do you have special criteria or guidelines for the investigation and/or prosecution of these cases?**

☐ no ☐ yes

**25. If yes, are they pursuant to or based on federal guidelines?**

☐ no ☐ yes

**26. Do you have criteria or guidelines for the referral of cases to other offices or jurisdictions?**

☐ no ☐ yes

**27. When is a decision to refer a case to another office usually made?**

☐ before arrest  
☐ at arrest  
☐ case by case

**28. On a scale of 1-5 with 1 being never and 5 being always, how often does the prosecution**

☐ oppose bail  
☐ request an examination of the source of bail or funds for collateral  
☐ agree to sentences outside the statutory maximum by stipulation  
☐ oppose parole  
☐ seek strong penalties for revocations

**29. On a scale of 1-5, 1 being the least important, how important are these areas to prosecution?**

☐ Discovery  
☐ Information disclosure  
☐ Informant management  
☐ Bail  
☐ Examination of the bail source  
☐ Plea negotiation

**30. Have you developed special forms for any of these areas (e.g. motions)?**

☐ no ☐ yes (*request copy*)

**31. Are you satisfied with the way these litigations are handled in your office?**

☐ no ☐ yes

#### **D. POLICY AND GOALS**

**32. All things being equal, in a complex case involving multiple defendants and a complicated network of illegal (or even legal) activities, which goal would be given priority for prosecution**

☐ doing damage to the network even if it means letting the defendant plead to lesser charges or sentences,  
or  
☐ putting the defendant away rather than taking on extended investigations and prosecutions.

☐ can't answer

**33. Do you have written mission statements concerning the investigation and prosecution of these cases?**

☐ no ☐ yes

#### **E. NEEDS**

**34. What hinders your office need most in investigating and prosecuting these cases to their maximum?**

#### **F. OPINION QUESTIONS**

**35. Do you see any duplication of efforts in investigations or prosecution of these crimes in your area between your office and other agencies?**

Investigations

☐ No ☐ Yes, specify agencies or activities

Prosecution

☐ No ☐ Yes, specify agencies or activities

**7. Considering the drug crime situation in your jurisdiction, should local prosecutors be involved in the prosecution of these complex cases? Please explain why**

☐ No ☐ Yes

Thank you for your help. Would you like a copy of the survey results?

## PROSECUTION OF COMPLEX DRUG CASES SURVEY

**PURPOSE**

This questionnaire is a follow-up on the telephone survey you participated in. The purpose of this mail survey is to gain more detailed information on the way your office is handling complex drug cases.

All questions refer only to those complex drug cases your office investigated and/or prosecuted in 1991.

Complex drug cases are cases that involve drug conspiracies, RICO, money laundering or cases that are based on complex investigative techniques such as wire taps, financial investigation, asset forfeiture, link analysis, or other sophisticated forms of electronic surveillance.

**I. IDENTIFICATION INFORMATION**

1. Date:

2. Name:

3. Title:

4. Agency:

5. Office:

6. Address:

7. Phone: ( )

8. Fax: ( )

**II. COORDINATION OF COMPLEX DRUG PROSECUTIONS**

1. Do complex drug cases present coordination needs or problems that are different from other drug felonies?

☐ no ☐ yes, please specify

2. Has your office developed any special mechanisms for coordination with other agencies?

☐ no ☐ yes, check all applicable

☐ regular meetings with agency staff

☐ meetings as needed

☐ liaison person designated

☐ coordinating council

☐ informal network

☐ other, please specify

3. Are you satisfied with the way complex cases are coordinated with other agencies?

☐ yes ☐ no, please explain

4. Does your office have a special automated case management system to support these investigations and/or prosecutions?

☐ no, would you like one? ☐ yes ☐ no

☐ yes, *briefly describe its use and puposes*

### III. LEVEL OF INVESTIGATIVE INVOLVEMENT

5. What is the prosecutor's primary level of involvement in most complex investigations?

☐ generally none

☐ monitor that legal requirements are met

☐ monitor the progress of the investigation to improve the quality for prosecution

☐ participate in policy decisions about the investigation and its plans

☐ participate in operational decisions about the investigation

☐ direct the entire investigation

6. Is this level of involvement different from other routine drug investigations?

☐ no ☐ yes, *specify how it differs.*

7. Are you satisfied with your present level of involvement in investigations?

☐ yes ☐ no

8. If you are not satisfied with this level of involvement,

a. *specify which level you would like to have.*

☐ monitor that legal requirements are met

☐ monitor the progress of the investigation to improve the quality for prosecution

☐ participate in policy decisions about the investigation and its plans

☐ participate in operational decisions about the investigation

☐ direct the entire investigation

b. What would you need to make this change?

9. On a scale 1 to 5, (1 being never, 5 always), how often do

a. complex cases involve:

☐ Investigative planning

☐ Financial investigations

☐ Tactical (Link) analysis

☐ Electronic surveillance

☐ Asset forfeiture

b. routine drug cases involve:

☐ Investigative planning

☐ Financial investigations

☐ Tactical (Link) analysis

☐ Electronic surveillance

☐ Asset forfeiture



## IV. DEMAND ON PROSECUTOR RESOURCES

11. How many complex prosecutions can your office handle in one year?

12. What number and type of personnel are needed to support the caseload you cited in question 11?

Type	Number	Part time/Full time
Attorneys		
Investigators		
Paralegal		
Other (specify)		

13. What percent of the office's budget is allocated to complex drug prosecutions?

Budget (FY91) \_\_\_\_\_ Percent allocated \_\_\_\_\_

## V. PROSECUTOR ACTIVITIES

14. On a scale of 1 - 5, (1 being never, 5 always), how often are the following activities undertaken for complex cases:

- ☐ Early-on strategic planning for investigations
- ☐ Long-term commitments for personnel and money obtained
- ☐ Development of a disposition plan
- ☐ Informant management plans and agreements
- ☐ Early discovery and disclosure
- ☐ Use special techniques for presentation of evidence
- ☐ Use both civil and criminal courts

15. When are decisions made about the legal venue(s) for the case?

- ☐ During investigation phase
- ☐ At end of investigation
- ☐ After arrest
- ☐ Other (specify)

a. Are there written criteria for these decisions?

- ☐ Yes    ☐ No

b. Title of person(s) who makes these decisions?

16. From a prosecutor's perspective, which is more resource demanding?

- ☐ Investigation
  - ☐ Litigation
- Why?

17. If you could change the way litigations are handled in your office?

a. What would you change?

b. What would you need to make this change?

18. How do you know when a successful prosecution has had an impact?

19. Where do you acquire the resources for the special equipment, services and operations?

#### VI. DIRECTORY OF RESOURCES

21. Please indicate the areas about which you could advise or assist other prosecutors.

##### *Legislation and Procedures:*

- ☐ Wire-tap legislation
- ☐ Search and Seizure Procedures
- ☐ Trial work
- ☐ Other, *specify*

##### *Organization and management:*

- ☐ Informant management
- ☐ Coordination law enforcement/ prosecution activities
- ☐ Management of multi-case development
- ☐ Management of multi-jurisdiction cases
- ☐ Management of cross-designation
- ☐ Other, *specify*

##### *Offense specific:*

- ☐ Conspiracy cases
- ☐ Asset forfeiture
- ☐ RICO
- ☐ Major drug trafficking cases
- ☐ Other, *specify*

## VII. STATISTICAL INFORMATION

Number and Type of personnel assigned to complex drug cases in 1991	
	Number    Type (experience and/or specialty)
a. Attorneys	
b. Investigators	
c. Other staff and support personnel	

1991 Statistics for	a) <u>All</u> complex drug cases	b) The <u>largest</u> complex drug case
Number and type of complex cases		
Manufacturing	_____	_____
Storage & Distribution	_____	_____
Sale	_____	_____
Other, <i>specify</i>	_____	_____
How many individuals were <u>investigated</u> as part of these complex drug cases?	_____	_____
How many individuals were <u>prosecuted</u> as part of these complex drug cases?	_____	_____
Number of wire taps	_____	_____
Number and type of other electronic surveillances	_____	_____
Number, type and value of <u>assets seized</u>	_____	_____
Number, type and value of <u>assets forfeited</u>	_____	_____
How many of these cases involved multiple jurisdictions?		type and no. of other jurisdiction